

\$750.00

IN THE CIRCUIT COURT FOR BALTIMORE CITY, MARYLAND

STATE OF MARYLAND,

vs.

Indictment No. 199103042-46

ADNAN MASUD SYED,

Defendant.

REPORTER'S OFFICIAL TRANSCRIPT OF PROCEEDINGS
(Trial on the Merits)

Baltimore, Maryland

Tuesday, February 1, 2000

BEFORE:

HONORABLE WANDA KEYES HEARD, ASSOCIATE JUDGE
(and a jury)

APPEARANCES:

For the State:

KEVIN URICK, ESQ.
and
KATHLEEN C. MURPHY, ESQ.

For the Defendant:

M. CRISTINA GUTIERREZ, ESQ.

BRENDA D. TROWBRIDGE
Official Court Reporter
533 Courthouse East
111 North Calvert Street
Baltimore, Maryland 21202

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T A B L E O F C O N T E N T S

STATE'S WITNESSES:	DIRECT	CROSS	REDIRECT	RECROSS
Romano Thomas	---	4	9	11
Sharon Talmadge	14	32	58/66	59
Donald Cliendinst	69	74	99/101	99
Salvatore Bianca	105	124	188	192
STATE'S EXHIBITS:	FOR IDENTIFICATION		IN EVIDENCE	
3(a)		19		19
18		21		27
21		21		23
23		29		30
25		21		26
27		112		117
27(a)		114		117
27(b)		116		117
28		120		121
29		72		74
DEFENDANT'S EXHIBITS:	FOR IDENTIFICATION		IN EVIDENCE	
1		4		9

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1 P R O C E E D I N G S

2 (Jury not present upon reconvening.)

3 THE CLERK: All rise. The Circuit Court for
4 Baltimore City, Part 9, resumes in session, the Honorable
5 Wanda Keyes Heard presiding.

6 THE COURT: Thank you. Please be seated. Mr.
7 White, would you get our jury, please.

8 THE CLERK: Yes, Your Honor.

9 (Brief pause.)

10 (The jury returned to the courtroom.)

11 THE COURT: You may be seated. Good morning,
12 everyone.

13 THE JURY: Good morning.

14 THE COURT: Welcome back to Part 9. Remember
15 that one case I told you about? Well, they still haven't
16 gotten it together this morning. Please have a seat. So
17 in any event, what we have decided to do is to proceed
18 with the trial. At some point this morning, I am going
19 to take a break to resolve that other matter, and then I
20 will come back to the jury trial, which will allow you a
21 morning break that would normally occur anyway.

22 At this time, we want to remind you that we
23 still have an officer who is on the witness stand. I
24 need you to stand, for the record, and raise your right
25 hand, since we do have a new stenographer, and be re-

1 sworn.

2 ROMANO THOMAS

3 a witness produced on call of the State, resumed the
4 witness stand and, after having been duly sworn according
5 to law, was examined and testified further as follows:

6 THE CLERK: You may be seated. Please keep
7 your voice up and state your name and your assignment for
8 the record?

9 THE WITNESS: My name is Romano Thomas, Crime
10 Lab Technician, Baltimore Police Department.

11 THE CLERK: Thank you.

12 THE COURT: All right. The witness continues
13 to be with Ms. Gutierrez.

14 MS. GUTIERREZ: Thank you, Your Honor. May I
15 approach the witness?

16 THE COURT: Certainly.

17 MS. GUTIERREZ: Well, I guess I need to have
18 Mr. Clerk mark this for identification as Defendant's
19 Exhibit 1.

20 (Defendant's Exhibit No. 1
21 was marked for purposes
22 of identification.)

23 CROSS-EXAMINATION (Continuing)

24 BY MS. GUTIERREZ:

25 Q Mr. Thomas, I'm going to show you what has been

1 marked as Defendant's Exhibit 1 for identification. You
2 graciously provided a copy of the map that you made back
3 on January 13th.

4 A That's correct.

5 Q And if you would take a look at Defendant's
6 Exhibit 1, is that what this is?

7 A Yes, ma'am, it is.

8 Q Okay. Now, this is what appears to be at least
9 some drawings. There is a box, a rectangular like box
10 outlined on the map. Is that the pulloff with the jersey
11 walls that were shown in the photographs that we have
12 already looked at?

13 A Yes, they are.

14 Q And there are some straight lines. Does that
15 indicate the direction of Franklinton Road?

16 A The straight lines actually indicate the
17 guardrails.

18 Q The guardrails that are on one side?

19 A Uh-huh.

20 Q And the guardrails as you have described in the
21 earlier photographs?

22 A That's correct.

23 Q Okay. And then on here are what appear to be
24 sort of snowflake-like figures, and those represent
25 trees?

1 A Yes, ma'am.

2 Q Okay. And you have a line in Defendant's

3 Exhibit 1 to an ending point. Is the ending point the

4 location of the body?

5 A Yes, ma'am, it is.

6 Q Is the fallen tree that we have discussed

7 located by any symbol or marking of any kind on your map?

8 A No, ma'am, it's not.

9 Q And is there any symbol or marking indicating

10 the exact locations of items that you have already told

11 us you picked up?

12 A Yes, they are.

13 Q And where are they located?

14 A They are located along the map. They are

15 outlined as "A" through "F" or, I'm sorry, "A" through

16 "I", and then "1" through it should be "40".

17 Q Okay. Now, those letters and numerals are

18 indicated in very small writing, are they not?

19 A Yes, they are.

20 Q Could you with your pen circle the locations of

21 the items that you picked up?

22 A (Indicating.)

23 Q Now, two of the circles that you have made are

24 where the words "victim" appears; isn't that correct?

25 A That's correct.

1 Q And could you, to make it clear on this
2 drawing, draw a box around where the victim's body was
3 located according to the map that you made on February
4 the 9th?

5 A (Indicating.)

6 Q Okay. The rest of the items that you have told
7 us you recovered were recovered either from near the bed
8 of the roadway or right near the guardrail on the same
9 side that the jersey-walled pulloff appears, correct?

10 A That is correct.

11 Q And the remaining items that you picked up were
12 actually picked up from across the roadway furthest away
13 from where the body is; were they not?

14 A That would be correct.

15 Q Okay. And there is no indication of where the
16 log was on this drawing?

17 A That is also correct.

18 Q Based on your recollection, sir, could you draw
19 the log as to where you recollect it was in relationship
20 to the rest of this drawing.

21 A May I use the photographs to refresh my memory?

22 Q Yes.

23 A Thank you.

24 Q I'm showing you what has been previously marked
25 and admitted as State's Exhibit 9 and 11.

1 (Brief pause.)

2 A Let's see. The log would actually --

3 A And I'm now showing you State's Exhibit 10.

4 A Okay. Thank you.

5 Q Are you done with this one?

6 A Yes, thank you. (Indicating.)

7 Q On the drawing you have indicated by a line.

8 If you could -- I know I'm not a good drawer -- could you

9 try to make it look like a log, and put the letters,

10 printing the word "log" inside of it so that there is no

11 dispute as to what you have drawn.

12 A (Indicating.)

13 Q Okay. And in your drawing, Mr. Thomas, the log

14 appears not quite perpendicular to the road but much more

15 perpendicular than parallel, does it not?

16 A I would probably say it runs more perpendicular

17 than parallel.

18 Q More perpendicular. So the log, if it ran, it

19 would then directly connect to the road if it ran as long

20 as the road; would it not?

21 A Probably so.

22 Q And the victim's body, the burial site that you

23 observed back on February 9th, was on the further side of

24 that log further from the road than to the road; was it

25 not?

1 A That would be correct.

2 MS. GUTIERREZ: Okay. I would move Defendant's

3 Exhibit 1 into evidence.

4 THE COURT: Any objection.

5 MR. URICK: No.

6 THE COURT: Let it be admitted.

7 (Defendant's Exhibit No. 1,

8 previously marked for

9 identification, was

10 received in evidence.)

11 MS. GUTIERREZ: I have nothing further of this

12 witness.

13 THE COURT: Anything further from the State?

14 MR. URICK: Just very briefly, Your Honor.

15 REDIRECT EXAMINATION

16 BY MR. URICK:

17 Q Mr. Thomas, is Leakin Park a public park?

18 A Yes, sir, it is.

19 Q And what is a pulloff used for?

20 A Normally a pulloff would be used to change a

21 tire or something like that.

22 Q Does it also allow access into the park?

23 A Yes, sir, it does.

24 Q Are there any other pulloffs in that stretch of

25 Franklinton Road?

1 A Not to my knowledge.

2 Q Now, on the map that you prepared, you figured

3 the distance from the road to the body; did you not?

4 A Yes, sir, I did.

5 Q And what distance did you come up with?

6 A Approximately 114 feet, eight inches.

7 Q And that includes or that is from the actual

8 roadway surface?

9 A That would be correct.

10 Q So in other words, you have to get through the

11 whole open area of the pulloff area --

12 MS. GUTIERREZ: Objection to the form of the

13 question.

14 THE COURT: Continue with your question.

15 BY MR. URICK:

16 Q So that includes both the open area of the

17 pulloff area and the tree area?

18 A That is also correct.

19 THE COURT: Overruled.

20 BY MR. URICK:

21 Q Did you ever measure how far the open space of

22 the pulloff extends?

23 A Yes, sir, I did.

24 Q How far was that?

25 A I do not have that information available to me

1 right now. That's also on the rough sketch.

2 Q And the items that you have on here as "G", "H"
3 and "I", were those on the body?

4 A No, those were near the body.

5 Q They happened to be in the general vicinity?

6 A Correct.

7 MR. URICK: Nothing further.

8 RECROSS-EXAMINATION

9 BY MS. GUTIERREZ:

10 Q Mr. Thomas, you said you were aware that Leakin
11 Park is a public park?

12 A Yes, ma'am.

13 Q Were you aware that, in fact, Leakin Park is a
14 federal wildlife preserve inside the city limits?

15 A Not to my knowledge.

16 Q Were you aware that the stream that you said
17 that you observed is, in fact, a tributary of the Gwynns
18 Falls and is stocked every spring so that people using
19 the park can fish?

20 A Not to my knowledge.

21 Q And were you aware that there are about twelve
22 pulloffs in Leakin Park, all of which have been totally
23 closed by jersey walls for at least the last nine years?

24 A Not to my knowledge.

25 Q And were you aware that citizens of this city

1 and elsewhere regularly, when the stream is stocked, come
2 to fish in the tributary that runs there?

3 A Not to my knowledge.

4 Q Thank you. You talked about your rough sketch.
5 Is your rough sketch something different than the item
6 that we have just identified and upon which you have just
7 drawn?

8 A Yes, ma'am.

9 Q And making a rough sketch is something that you
10 ordinarily do; do you not?

11 A That's correct.

12 Q And later you make a good sketch, correct?

13 A That's correct.

14 Q Putting in all of the information that you
15 consider to be important based on your processing of a
16 crime scene; is that correct?

17 A That would be all of the information that is
18 contained on the rough sketch.

19 Q Okay. You didn't leave out anything from the
20 sketch that has been identified and upon which you have
21 drawn that was contained on your rough sketch when you
22 made the final good sketch, did you?

23 A No, ma'am.

24 MS. GUTIERREZ: Okay. Thank you. Nothing
25 further.

1 THE COURT: Anything further, Mr. Urick?
2 MR. URICK: No, thank you.
3 THE COURT: And may this witness be excused?
4 MR. URICK: Yes.
5 THE COURT: Ms. Gutierrez.
6 MS. GUTIERREZ: Yes.
7 THE COURT: And released from the summons?
8 MS. GUTIERREZ: Yes.
9 THE COURT: Officer, you are now excused. I
10 want to remind you that you are a sequestered witness.
11 However, in light of the fact that you have been excused
12 from the subpoena, you will be permitted to remain in the
13 courtroom should you choose to do so, or you do not have
14 to. At this point, you are released from your obligation
15 to appear in this case.
16 THE WITNESS: Thank you, Your Honor.
17 THE COURT: And you may go.
18 THE WITNESS: Thank you.
19 THE COURT: Your next witness.
20 MS. MURPHY: Thank you, Your Honor. At this
21 time, the State calls Ms. Sharon Talmadge.
22 (Brief pause.)
23 THE COURT: Ms. Talmadge, you may rest your
24 belongings there on that chair next to you, if you would
25 like. I need you to raise your right hand and listen to

1 Mr. White as he provides the oath.

2 SHARON TALMADGE

3 a witness produced on call of the State, having first
4 been duly sworn according to law, was examined and
5 testified as follows:

6 THE CLERK: You may be seated. Please keep
7 your voice up and state your name and your assignment for
8 the record.

9 THE WITNESS: Sharon Talmadge. I'm in the
10 Latent Print Unit for the Baltimore Police Department.

11 THE CLERK: Thank you.

12 DIRECT EXAMINATION

13 BY MS. MURPHY:

14 Q Ms. Talmadge, can you please explain to the
15 ladies and gentlemen what your duties are in the Latent
16 Print Unit?

17 A First of all, I supervise approximately thirty-
18 six people. I evaluate partial latent prints to
19 determine if they are suitable for comparison. I then
20 compare suitable partial latent prints to the prints of
21 victims, suspects or defendants. I process physical
22 evidence to determine if there are any partial latent
23 prints on that particular piece of evidence. I maintain
24 the unit statistics, the unit budget. I prepare reports
25 in reference to my examinations. I testify in court. I

1 also prepare and present lectures to various people.

2 Q Do you also, as part of your duties, provide
3 technical assistance to the Office of the Medical
4 Examiner?

5 A I render technical assistance to the Office of
6 the Medical Examiner when it is needed and also at crime
7 scenes.

8 Q What sort of training and experience do you
9 have in order to perform these duties?

10 A I was trained by the Federal Bureau of
11 Investigation in the identification field. I was
12 employed by them as a Fingerprint Technician for
13 approximately two years. After leaving there, I came to
14 the Baltimore Police Department and was hired as a
15 Fingerprint Technician. I also received a three-month
16 classroom conducted by the Federal Bureau of
17 Investigation and three months of practical experience
18 provided by the Federal Bureau of Investigation. I
19 attend seminars twice a year to keep abreast of new
20 techniques in the field.

21 Q Approximately how many prints do you think you
22 have examined in your career with the Baltimore City
23 Police Department?

24 A It would be in the hundreds of thousands.

25 Q Have you ever testified as an expert in Circuit

1 Court, District Court, Federal Court?

2 A Yes, I have testified numerous times in each of
3 those courts.

4 MS. MURPHY: Your Honor, at this time the State
5 would offer Ms. Talmadge as an expert in the development,
6 examination and identification of both latent and inked
7 prints.

8 THE COURT: Any objection?

9 MS. GUTIERREZ: No, Your Honor. We would have
10 already stipulated to her qualifications.

11 THE COURT: All right. Let this witness be
12 accepted as an expert in the development, examination and
13 identification of fingerprints.

14 You may proceed.

15 MS. MURPHY: Thank you, Your Honor.

16 BY MS. MURPHY:

17 Q Ms. Talmadge, can you please tell the jury,
18 what is an inked print?

19 A An inked print is the reproduction of the ridge
20 detail that is found on your fingers, your palms, the
21 soles of your feet, and it's made by placing a thin film
22 of printer's ink on the area and then rolling that area
23 on a contrasting background.

24 Q What is a latent print?

25 A A latent print is the reproduction of the ridge

1 detail in the same areas that I mentioned, only it is
2 left behind in oils and perspiration and at times in a
3 foreign matter on the object when you touch the object.

4 Q What are the methods used to process these
5 prints?

6 A If you have a porous surface such as paper,
7 cardboard boxes, raw unfinished wood, you would use a
8 chemical. The chemical that we use is ninhydrin, and
9 that reacts to the amino acids that are left behind in
10 the perspiration. If it's a hard smooth surface that is
11 a non-porous surface, which means that the print will not
12 be absorbed into that surface, it remains on the top,
13 most of the time we use a zephyr brush and graphite
14 powder to process those types of surfaces.

15 Q What sort of factors affect whether a print is
16 left on a particular surface?

17 A First of all, you do have to have a pretty good
18 surface. It has to be relatively smooth and clean and a
19 hard surface to use the zephyr brush on. The condition
20 of the hands, you have to have enough oil and
21 perspiration to leave on the object so that you can leave
22 a print. Naturally, if you are wearing gloves, you are
23 not going to leave a print. The method or manner in
24 which something is touched can destroy a latent print
25 that would be left on a surface. For instance, a door

1 handle, I can touch the door handle, open it, and then
2 someone comes behind me and touches it, and when they are
3 turning it, they could be destroying the prints that were
4 put on there previously.

5 Q Did you have reason around the time of February
6 10th to respond to the Office of the Medical Examiner?
7 This would be 1999.

8 A I did respond to the Medical Examiner.

9 Q What was the purpose for you going there that
10 day?

11 A To attempt to obtain fingerprints and
12 palmprints if possible from a person that was
13 unidentified.

14 Q Could you please describe what you saw there,
15 the condition of the body that you were asked to
16 identify?

17 A There was a young lady with long black hair and
18 she had already been autopsied and her hands were rather
19 decomposed.

20 Q If you know, why was the autopsy done before
21 the identification?

22 A Normally the autopsy is done before we try to
23 get inked prints from the fingers so that we don't
24 destroy any evidence that might be on the hands or
25 underneath the fingernails.

1 MS. MURPHY: May I approach the witness, Your
2 Honor?

3 THE COURT: Yes, you may.
4 (State's Exhibit No. 3(a)
5 was marked for purposes
6 of identification.)

7 BY MS. MURPHY:

8 Q Ms. Talmadge, I'm showing you what has been
9 marked for identification as State's Exhibit 3(a), and
10 I'll ask you to study that. Do you recognize that photo?

11 A Yes, that is the photo of the young lady that I
12 fingerprinted.

13 Q Does this photo fairly and accurately depict
14 the way she appeared on February the 10th?

15 A Yes.

16 MS. MURPHY: Thank you. Your Honor, I would
17 ask that State's Exhibit 3(a) be admitted at this time.

18 THE COURT: Any objection?

19 MS. GUTIERREZ: No, Your Honor.

20 THE COURT: Let it be admitted as State's
21 Exhibit 3(a).

22 (State's Exhibit No. 3(a),
23 previously marked for
24 identification, was
25 received in evidence.)

1 BY MS. MURPHY:

2 Q Ms. Talmadge, what did you do in your efforts
3 to identify the body?

4 A I applied the printer's ink to the fingers.
5 First of all, I had to find a finger that was not too
6 severely decomposed so that I could see some ridge
7 detail. I would then blot that finger dry because there
8 is a lot of moisture on the fingers at that point in
9 time. So I would blot it dry and then apply the
10 printer's ink and place it on a contrasting background.

11 Q Were you able to identify this person?

12 A Yes, I was.

13 Q What was used for the comparison for the
14 identification?

15 A I received a permanent resident card from the
16 Department of Immigration and Naturalization, and it
17 contained the right index finger of Hae Lee.

18 Q And that was, in fact, the identification you
19 made?

20 A Yes, it was.

21 Q Now, shifting gears a little bit, did you have
22 occasion to receive a report from Crime Lab Technician
23 Frank Sanders?

24 A Yes, I did.

25 Q Did you receive lift cards with that report as

1 well?

2 A Yes.

3 Q What did you do with these items?

4 A The first thing I would do with the lift cards
5 is examine them to see if we have any partial latent
6 prints that are suitable for comparison, which means that
7 I would be able to compare them either to a victim, a
8 suspect, or a defendant.

9 MS. MURPHY: May I approach the witness, Your
10 Honor?

11 THE COURT: Yes, you may.

12 (State's Exhibits Nos. 18,
13 21 and 25, respectively,
14 were marked for purposes
15 of identification.)

16 BY MS. MURPHY:

17 Q Ms Talmadge, I am showing you what has been
18 marked as State's Exhibits 18, 21, and 25. Can you
19 please review these documents?

20 (Brief pause.)

21 A These are all documents that were prepared by
22 me in reference to the homicide case of Hae Lee, Case
23 Number 8B5801.

24 Q And this is your handwriting on these items?

25 A Yes.

1 Q I'll ask you to hang onto these.

2 A Okay.

3 Q Ms. Talmadge, did you have occasion to receive
4 evidence under a property number which was 99008994?

5 A Yes, I did.

6 Q And referring to specifically your report which
7 is marked Exhibit 21, what were you requested to do?

8 A I was requested under property number 99008994
9 to process papers from the trunk of a vehicle.

10 Q What were the results of your findings?

11 A I processed the evidence and I developed
12 partial latent prints on an envelope and a card which I
13 marked as Exhibit 1 and 2. I then compared the partial
14 latent prints that were developed to the prints of Adnan
15 Syed and Jay Wilds and made the following identification.
16 A partial latent print developed on the envelope marked
17 Exhibit 1 and the card marked Exhibit 2, under property
18 number 99008994, were identified as impressions of the
19 right middle finger, the left thumb, and the left index
20 finger of Adnan Syed.

21 Q Are those results fairly and accurately
22 represented in your report which is marked as Exhibit 21?

23 A Yes, they are.

24 MS. MURPHY: Your Honor, I would ask to move
25 that report as State's Exhibit 21 at this time.

1 THE COURT: Any objection?
2 MS. GUTIERREZ: No.
3 THE COURT: Let it be admitted at this time as
4 State's 21.
5 (State's Exhibit No. 21,
6 previously marked for
7 identification, was
8 received in evidence.)
9 MS. MURPHY: Your Honor, may I approach the
10 witness?
11 THE COURT: Yes, you may.
12 BY MS. MURPHY:
13 Q Ms. Talmadge, I would ask you to review this
14 item in evidence as State's Exhibit 20(a).
15 (Brief pause.)
16 A Okay.
17 Q Are you familiar with these items?
18 A Yes. The envelope is marked Exhibit 1, with
19 the complaint number and the property number, my
20 initials, and the date, and the card is marked as Exhibit
21 2, with the case number, the property number, my
22 initials, and the date.
23 Q The notations, Exhibit 1 and Exhibit 2, did you
24 make those marks?
25 A Yes.

1 Q And the purplish color that you see on the
2 envelope and the card, was that there when you first
3 examined the items?

4 A No, this is the reaction of the chemical
5 ninhydrin with the amino acids that were left behind in
6 the perspiration.

7 Q Thank you. When you state the conclusion that
8 the item was negative as to Jay Wilds, what does that
9 mean?

10 A I had one print remaining on the envelope and
11 it was compared to Jay Wilds with negative results.

12 Q Were you also asked to process evidence under
13 property number 99008995, referring specifically to
14 State's Exhibit Number 25 for identification?

15 A Yes, I was requested to process papers from the
16 glove box.

17 Q What were the results?

18 A I developed suitable partial latent prints on
19 Exhibits 1 through 5, which were various paper items that
20 were found in the glove box. Those suitable partial
21 latent prints were then compared to Adnan Syed and Jay
22 Wilds with the following results: A partial print
23 developed on the Nationwide insurance identification
24 card, which is marked Exhibit 2, under property number
25 99008995, was identified as an impression of the right

1 little finger of Adnan Syed. The --
2 MS. MURPHY: May I approach the witness, Your
3 Honor?
4 THE COURT: Yes, you may.
5 BY MS. MURPHY:
6 Q Was your answer complete?
7 A I was going to say that the remaining partial
8 latent prints were compared to Jay Wilds with negative
9 results.
10 Q I will now show you what is in evidence as
11 State's Exhibit 24. Could you examine these items,
12 please?
13 (Brief pause.)
14 A This is Exhibit 1 and Exhibit 2 under property
15 number 99008995. Exhibit 1 is an MVA registration
16 certificate, and Exhibit 2 is the insurance
17 identification card.
18 Q The results that you have just described, are
19 they accurately depicted on State's Exhibit 25, your
20 report?
21 A Yes, they are.
22 MS. MURPHY: Your Honor, I would ask that that
23 report be moved into evidence at this time.
24 THE COURT: Any objection, Ms. Gutierrez?
25 MS. GUTIERREZ: No, Your Honor.

1 THE COURT: Okay. Let it be admitted at this
2 time.

3 (State's Exhibit No. 25,
4 previously marked for
5 identification, was
6 received in evidence.)

7 BY MS. MURPHY:

8 Q And again, Ms. Talmadge, the purplish tint that
9 you see on these items, was that there when you first
10 examined them?

11 A No, it was not.

12 Q Can you explain that, please?

13 A It's as a result of the chemical ninhydrin
14 reacting to the amino acids in the perspiration.

15 Q Okay. Now, referring to your report which is
16 identified as State's Exhibit 18, did you receive
17 property under property number 99008998?

18 A Yes, I did.

19 Q And what were you requested to do?

20 A I was requested to process a map that was
21 recovered from the vehicle to determine if there were any
22 partial latent prints.

23 Q And what were your results?

24 A Several partial latent prints were developed
25 from the map that were suitable for comparison. A

1 comparison was made to Adnan Syed and Jay Wilds with the
2 following results: A partial latent print developed on
3 the back cover of the map marked Exhibit 1(i) under
4 property number 9900&998 was identified as an impression
5 of the left palm of Adnan Syed.

6 The remaining partial latent prints were
7 compared to Jay Wilds with negative results.

8 Q Are those results accurately depicted in your
9 report marked Exhibit 18?

10 A Yes.

11 MS. MURPHY: Your Honor, I would move Exhibit
12 18 at this time.

13 THE COURT: Any objection?

14 MS. GUTIERREZ: No, Your Honor.

15 THE COURT: Let it be admitted as State's
16 Exhibit 18.

17 (State's Exhibit No. 18,
18 previously marked for
19 identification, was
20 received in evidence.)

21 MS. MURPHY: Thank you, Your Honor. May I
22 approach the witness?

23 THE COURT: Yes, you may.

24 BY MS. MURPHY:

25 Q Ms. Talmadge, I show you what is in evidence as

1 State's Exhibit 18. Do you recognize this item? I'm
2 sorry, State's Exhibit 17.

3 (Brief pause.)

4 A Yes, it's marked as Exhibit 1, along with the
5 case number, the property number, my initials and the
6 date.

7 Q And those notations were made by?

8 A Myself.

9 Q Is this the item that you examined in your
10 report, State's Exhibit 18?

11 A Yes.

12 Q Could you, holding this item, show the ladies
13 and gentlemen where the palm print was that you detected?

14 A The palm print is actually underneath where the
15 State's exhibit number is (indicating).

16 Q Ms. Talmadge, unlike the exhibits you have
17 already identified, there are black smudges on this item.
18 Were they there when you first examined the item?

19 A No, they were not.

20 Q Can you account for those smudges?

21 A Yes. As I said before, porous surfaces are
22 processed with the chemical ninhydrin because the oil and
23 perspiration is absorbed. If you can see, this is a
24 glossy, basically hard surface, so the print is going to
25 stay on top of the surface. So the black graphite powder

1 along with the zephyr brush was used to process the
2 cover.

3 MS. MURPHY: Thank you.

4 (Brief pause.)

5 (State's Exhibit No. 23
6 was marked for purposes
7 of identification.)

8 BY MS. MURPHY:

9 Q Now, referring to the other report which is
10 marked as State's Exhibit 23, were you asked to examine
11 evidence under property number 99009000?

12 A Yes, I was requested to process what was
13 labeled as personal items from the back seat of the
14 vehicle.

15 Q And what were your results?

16 A I developed partial latent prints on floral
17 paper, which was marked as Exhibit 1. I then compared
18 those partial latent prints to the prints of Adnan Syed
19 and Jay Wilds with the following results: Partial latent
20 prints that were developed on the floral paper marked
21 Exhibit 1 under property number 99009000 were identified
22 as impressions of the left index finger, the left thumb
23 and the left palm of Adnan Syed.

24 Q Are those results fairly and accurately
25 reflected in State's Exhibit 23, your report?

1 A Yes.

2 MS. MURPHY: Your Honor, I would ask that

3 State's Exhibit 23 be moved into evidence.

4 THE COURT: Any objection.

5 MS. GUTIERREZ: No, Your Honor.

6 THE COURT: Let it be admitted.

7 (State's Exhibit No. 23,

8 previously marked for

9 identification, was

10 received in evidence.)

11 MS. MURPHY: May I approach the witness, Your

12 Honor?

13 THE COURT: Yes, you may.

14 MS. MURPHY: Thank you.

15 BY MS. MURPHY:

16 Q Ms. Talmadge, I now ask you to examine what is

17 in evidence as State's Exhibit 22. Please study that

18 item and tell us if you recognize it.

19 (Brief pause.)

20 A Yes, this is the floral paper, and it's marked

21 Exhibit 1 with the case number, the property number, my

22 initials and the date.

23 Q And this is the item which your report refers

24 to as having a positive identification?

25 A That's correct.

1 Q Thank you. Ms. Talmadge, you examined a number
2 of items in connection with this case. Did they all have
3 prints on them?

4 A No.

5 Q What other efforts, if any, did you make to
6 determine the source of remaining prints that were not
7 identified?

8 A Well, there were several prints that were
9 remaining from everything that was processed and also
10 from what Mr. Sanders recovered from the vehicle. The
11 remaining partial latent prints, if they were suitable to
12 go into our computer system, I did enter sixteen prints
13 into the Morpho computer system to see if we could come
14 up with any identifications, and we did not make any
15 identifications off of those remaining prints.

16 Q How are prints obtained for your computer
17 system?

18 A The data banks?

19 Q Yes.

20 A We have a data base of approximately 1.5
21 million fingerprint cards. It's a State system and it
22 contains in excess of 800,000 criminal prints and it also
23 contains the prints of anyone who might have anything to
24 do with childcare. State troopers prints are in there.
25 When these prints are received at the State Police, they

1 are entered into the computer system and retained in the
2 data base. Then if I get prints from a crime scene or
3 from evidence that is good enough to go into the
4 computer, we enter those into the computer system and
5 compare it against that data base of 1.5 million.

6 MS. MURPHY: The court's indulgence, please.

7 THE COURT: Yes.

8 (Brief pause.)

9 MS. MURPHY: Thank you, Your Honor. We have no
10 more questions.

11 THE COURT: Thank you. Witness with you.

12 MS. GUTIERREZ: Mr. Clerk, could I have, I
13 think it's State's Exhibit 16.

14 THE CLERK: Yes.

15 MS. GUTIERREZ: Thank you. Ms. Talmadge, I
16 have a couple questions to ask you.

17 CROSS-EXAMINATION

18 BY MS. GUTIERREZ:

19 Q You were asked about you examined a lot of
20 other pieces of evidence for which there were no latents
21 developed, correct?

22 A That's correct.

23 Q And you were asked to examine other pieces of
24 evidence for which you couldn't develop latents, correct?

25 A That's correct.

1 Q Let me show you what has been previously marked
2 as State's Exhibit 16. Is that one of those such pieces
3 that you were asked to examine?

4 A Yes.

5 Q And that is a map page?

6 A Yes.

7 Q And did you establish whether or not that map
8 page correlates in any way to the map book that you have
9 identified under the sticker in the back, the palm print
10 of my client, Adnan Syed?

11 A This goes in that book, right.

12 Q And did you establish where it goes in the
13 book?

14 A It has the page on it, yes.

15 Q Well, did you check to see if, in fact, there
16 is a page number that matches that page number already in
17 there?

18 A No, I did not.

19 Q Okay. And did you conduct an investigation on
20 this page?

21 A Yes.

22 Q Okay. And what is it that you did?

23 A I sprayed this page with the chemical
24 ninhydrin.

25 Q And that's the chemical that would produce and

1 produced on the other exhibits the purplish-like
2 appearance?

3 A Yes.

4 Q Okay. And that's because as paper, unlike the
5 cover, the glossy cover, this is a porous surface?

6 A That's correct.

7 Q And this (indicating) is a non-porous surface?

8 A The cover is, yes.

9 Q Right, the cover is, and that's why you process
10 them differently, correct?

11 A That's correct.

12 Q Were you told any information about this
13 exhibit, i.e. where it came from and what if any
14 significance it had to the case?

15 A I was told that it was from the back area of
16 the vehicle.

17 Q Okay. And that's all that you were told,
18 correct?

19 A Yes.

20 Q And having processed it, did you recover any
21 latent prints from any portion of this page?

22 A No.

23 Q The front --

24 A No.

25 Q -- or the back?

1 A No.

2 Q Okay. And so you were not able to lift any
3 prints that would then allow you to then compare them
4 with any other prints?

5 A That's correct.

6 Q And you, Ms. Talmadge, I'm sure, in your
7 expertise, did your best to find prints on this page, did
8 you not?

9 A That's correct.

10 Q Okay. Now, in regards to the map book, Ms.
11 Talmadge, the surface, as was described, it is a glossy
12 cover; is it not?

13 A Yes, it is.

14 Q It's thicker, it's cardboard of some kind, and
15 it's covered with some kind of film or coating that
16 presents a flat, glossy, non-porous surface; is that
17 correct?

18 A That's correct.

19 Q The best kind of surface to collect a
20 fingerprint; isn't that correct?

21 A That's correct.

22 Q If it's capable of collecting it and if
23 something else doesn't remove it by a later touching, one
24 should be able to get a latent print from this surface
25 fairly readily, correct?

1 A It's possible, yes.

2 Q Okay. Now, you did not search the inside of
3 the map book either from the front or from the back cover
4 to see if you could recover any other latent prints from
5 any internal page?

6 A Yes, I did.

7 Q And what pages did you search?

8 A I searched approximately forty pages and the --

9 Q Okay. And by searching, did that include
10 processing with the chemical that produces the purplish-
11 like --

12 MS. MURPHY: Your Honor, I would ask that the
13 witness be allowed to finish her answers.

14 THE COURT: Fine. I would ask, as I asked
15 earlier, that the question be asked and that there be a
16 little bit of a pause so that the witness can answer. I
17 would ask you, if you have not finished your answer, that
18 you let me know, and you can continue finishing your
19 answer if at anytime another question comes in. We can
20 use that process with all of the witnesses, not only Ms.
21 Gutierrez's but the State's as well. I think that will
22 be helpful.

23 BY MS. GUTIERREZ:

24 Q Okay. Had you finished answering my very
25 simple question, Ms. Talmadge?

1 A I was trying to get my photos out --
2 Q Your photographs.
3 A -- to answer.
4 Q Because you record what you do, do you not?
5 A Yes.
6 Q And you keep track of it by both numbering it
7 and photographing exactly what you do, correct?
8 A That's correct.
9 Q And what you have drawn out are the photographs
10 that you made contemporaneous with any examination
11 regarding these specific property numbers, correct?
12 A That's correct.
13 Q And if you could review for a minute, Ms.
14 Talmadge, those photographs and see if you could identify
15 the map page numbers which you processed back in February
16 of 1999?
17 (Brief pause.)
18 A As I said, I did approximately forty pages and
19 I developed prints on Exhibit 1(b), Exhibit 1(c), another
20 one from 1(c), another one from 1(c).
21 Q Now, the (a), (b) and (c) are your notations,
22 are they not?
23 A That's correct.
24 Q You give a letter to everything that you
25 examine under a specific property number, correct?

1 A That we develop --

2 Q And then you would go ahead and assign your
3 numbering system?

4 A That we develop suitable partial latent prints
5 on.

6 Q Okay.

7 A So Exhibit 1(b) would relate to the table of
8 contents.

9 Q Okay.

10 A 1(c) is page thirty-eight of the map book.
11 1(d) is page forty. That's another one from page forty.
12 1(e) is page forty-two, another from page forty-two.
13 1(f) is page forty-six. 1(g) is page seventy-eight.
14 1(h) is page eighty-three. 1(i) is the back cover.
15 1(i), another one from the back cover. And then I also
16 had Exhibit 1(a) which was the front cover.

17 Q Okay. And that means that you obtained a
18 latent print that belonged to someone on each of those
19 page numbers and locations that you have just listed?

20 A That's correct.

21 Q But that you were not able to compare them to
22 the fingerprints that were submitted to you of Adnan
23 Syed?

24 A They were compared but they were not
25 identified.

1 Q Okay.

2 A Except for the one print that was on the back

3 cover.

4 Q The back cover of the map magazine that you

5 have told us was the palm, that actually appeared right

6 under this little red sticker; is that correct?

7 A That's correct.

8 Q Now, the inside page numbers, Ms. Talmadge,

9 were not selected for you, were they?

10 A No, they were not.

11 Q You just randomly selected some pages, correct?

12 A That's correct.

13 Q Your attention was not directed either in the

14 request of you to examine them or orally by anyone

15 involved in the case from the Police Department to look

16 at a specific page number?

17 A No, it was not.

18 Q Other than the flat sheet that was submitted to

19 you separately?

20 A That's correct.

21 Q Now, the surface as was described of the map

22 book is a pretty good surface for collecting and

23 sustaining a fingerprint or palmprint or footprint for

24 that matter that is placed there at any given time; is

25 that correct?

1 A It's possible, yes.

2 Q And there are, as you have told us, there are
3 certain surfaces that are better for the collection of
4 fingerprints than others, correct?

5 A Yes.

6 Q Even on surfaces that are better than others,
7 your expertise can only identify whatever print it is,
8 correct?

9 A I'm not sure I understand what you are asking
10 me.

11 Q Your expertise looks at a latent print and
12 identifies it and compares it to other latent prints,
13 correct?

14 A And also processing of the evidence.

15 Q Okay. You see if, in fact, there are prints
16 there, right?

17 A Yes.

18 Q Your expertise, however, never attempts, nor
19 can it, to establish when the print that you lift and
20 compare got where it was from where you looked, can it?

21 A Scientifically, we cannot determine the age of
22 a latent print.

23 Q Unscientifically, you can't determine the age
24 of a print, can you?

25 A It would depend upon the circumstance.

1 Q There was no circumstantial information that
2 was submitted to you to establish when the palmprint that
3 you lifted from this back cover was placed there, was
4 there?

5 A No, there was not.

6 Q And you, of course, make no attempt, nor do you
7 in your expert opinion render any opinion as to when it
8 was placed, do you?

9 A No, I do not.

10 Q Nor can you?

11 A No.

12 Q Okay. And you, of course, in your expertise
13 also can't tell us under what circumstances the palmprint
14 that you subsequently compared was placed there?

15 A No, I cannot.

16 Q You, of course, were only given information
17 where this book was recovered inside a car that was
18 relative to a crime, correct?

19 A That's correct.

20 Q You were not given any information that might
21 help you establish when this book was placed at the place
22 from where it was recovered, were you?

23 A No, I was not.

24 Q Nor would that information affect your expert
25 opinion in regard to when and under what circumstances it

1 might have been placed there?

2 A No.

3 Q And you, of course, don't know who owns this

4 book?

5 A That's correct.

6 Q And how often it was used?

7 A That's correct.

8 Q And whether or not it had recently been put in

9 the car or whether it had been put in the car at the very

10 time that the owner or driver acquired the car?

11 A I do not know those things.

12 Q And you don't know if the map book was kept or

13 taken out on a regular basis?

14 A I do not know that.

15 Q Or lent to someone else totally unrelated to

16 the owner?

17 A I don't know that.

18 Q Or placed in the car right before the car was

19 found?

20 A I don't know that either.

21 Q And in regard to State's Exhibit 16 though, you

22 lifted no prints that were suitable for comparison,

23 correct?

24 A That's correct.

25 Q That doesn't mean that nobody touched either

1 side of this page, does it?

2 A That's correct.

3 Q It only means that you couldn't lift prints,
4 right?

5 A I was not able to develop any prints, yes.

6 Q And you are an expert at trying to develop
7 prints from things submitted to you; are you not?

8 A That's correct.

9 Q That's why you are the supervisor of so many
10 people; is it not?

11 A That's correct.

12 Q But it doesn't mean -- for instance, a hundred
13 people could have touched this page at any given time;
14 could they have not?

15 A Yes.

16 Q And each person's touching could have wiped out
17 the other person's print, correct?

18 A That's possible, yes.

19 Q And your examination can't tell us whether that
20 happened or whether this was a completely untouched
21 perfectly flat page before it was recovered from wherever
22 it was recovered? Your expertise can't tell us that, can
23 it?

24 A No.

25 Q Your expertise, Ms. Talmadge, can't tell us how

1 long the prints had been there, can it?
2 A That's correct. No, I cannot.
3 Q Even the palmprint?
4 A No, I cannot.
5 Q Now, Ms. Talmadge, it is not unusual to find
6 fingerprints of persons around their own space, is it?
7 A Actually, developing a partial print in itself
8 is rather rare. Most of the time when we process, we do
9 not get suitable prints.
10 Q And that's because a lot of surfaces are
11 touched by a lot of people under a lot of circumstances,
12 correct?
13 A That's correct.
14 Q And every touching might alter the existence of
15 every other fingerprint that may have been left there
16 under other circumstances?
17 A That's correct.
18 Q Okay. But it is not unusual, for instance, for
19 you to be able to find, if at all, my fingerprints in a
20 car that I drive everyday?
21 A If your hand contained enough oil and
22 perspiration --
23 Q At the time?
24 A -- at the time --
25 Q Right.

1 A -- and touched an object, it's possible that
2 you could leave a latent print.

3 Q Okay. My question was though, it would not be
4 unusual in and of itself -- it might be unusual to
5 recover prints, period -- to recover my own prints in a
6 car I operated and drove everyday?

7 A Yes, it's possible.

8 Q Okay. And not only is it possible, it would
9 not be unusual to do so, would it?

10 A No.

11 Q Okay. And if, for instance, I had a car and
12 not only did I drive it to work everyday but I regularly
13 picked up my neighbor and she drove in my car everyday,
14 it would also, if there were suitable oils and suitable
15 conditions at any given time that she touched any surface
16 inside my car, it would again not be unusual for you to
17 be able to identify her prints under those circumstances,
18 would it?

19 A No, it would not.

20 Q And if I had a child who didn't ride in the car
21 everyday but was in my car often, and again had suitable
22 oils on their hands, it would again not be unusual if
23 those conditions existed to be able to retrieve and then
24 identify his or her prints, would it?

25 A No, it would not.

1 MS. GUTIERREZ: May I approach the witness,
2 Your Honor?

3 THE COURT: Yes, you may.

4 BY MS. GUTIERREZ:

5 Q You were shown State's Exhibit 20(a), which is
6 admitted into evidence. Do you recall that?

7 A Yes.

8 Q Now, other than the purple discoloration, you
9 didn't do anything to that envelope, did you, in making
10 your marks? You didn't obliterate anything on it,
11 correct?

12 A No.

13 Q Now, if you take a look at the front of the
14 card that's stuck in it, it appears to relate to the
15 envelope, does it not?

16 A Yes.

17 Q Okay. On the front of the envelope, there is a
18 date; is there not?

19 A That's correct.

20 Q Okay. And you recovered a fingerprint from the
21 envelope itself; did you not?

22 A Yes.

23 Q And was that from the front or the back of the
24 envelope?

25 A If you could give me a moment.

1 Q Sure.

2 (Brief pause.)

3 THE COURT: While she is looking, Ms.

4 Gutierrez, may I inquire about how much longer you will

5 be?

6 MS. GUTIERREZ: Not very much longer, Your

7 Honor.

8 THE COURT: Okay.

9 MS. GUTIERREZ: Take your time.

10 THE WITNESS: Okay.

11 (Brief pause.)

12 THE WITNESS: I have a print from the front of

13 the envelope.

14 BY MS. GUTIERREZ:

15 Q The front, meaning where the addressee's name

16 is listed; is that correct?

17 A Yes.

18 Q Okay.

19 A And the back of the envelope.

20 Q The back of the envelope because your picture

21 actually shows the crease of the envelope flapover cover;

22 does it not?

23 A That's correct.

24 Q Okay. And both were on the outside of the

25 envelope; were they not?

1 A That's correct.

2 Q If you notice, Ms. Talmadge, the envelope is
3 dated by the post office October 3rd, 1998; is it not?

4 A That's correct.

5 Q You, of course, don't know when any of that
6 envelope was received by any particular person; do you?

7 A No, I do not.

8 Q Including the addressee on the envelope,
9 correct?

10 A That's correct.

11 Q And you, of course, don't know how it got from
12 the address on the envelope to the location from where it
13 was retrieved, if it got to that location; do you?

14 A No, I do not.

15 Q Or under what circumstances?

16 A No, I do not.

17 Q And you, of course, don't know how long it had
18 been in the place from where it was recovered before it
19 was submitted to you?

20 A No, I do not.

21 Q And you, of course, conducted no investigation
22 into the circumstances of the finding of this envelope;
23 did you?

24 A No.

25 Q Or as to how it got to where it was?

1 A No, I did not.

2 Q You merely took what was submitted to you and
3 sought to see if you could recover fingerprints?

4 A That's correct.

5 Q And you can tell us what fingerprints you could
6 match, what you could recover and/or match, but you can't
7 tell us anything about them?

8 A Other than --

9 Q That they existed where you saw them, correct?

10 A Yes, and that I did identify them.

11 Q And whether or not they identified and matched
12 with other fingerprints submitted to you, correct?

13 A Yes.

14 Q In regard to the flowered paper, is this how it
15 appeared when it was submitted to you?

16 A It was actually a little more rolled up.

17 Q Folded up?

18 A Yes.

19 Q Okay. Now, from its size and shape, does it
20 not appear to be paper and tissue that may have once
21 surrounded flowers?

22 A Yes.

23 Q You can't tell from your examination if, in
24 fact, it did; could you?

25 A There were a little bit of stems, flower stems,

1 and things that were inside there laying around it.

2 Q That corroborated your impression that there
3 were once flowers in there, correct?

4 A That's correct.

5 Q But you couldn't tell from your examination
6 what those flowers were; could you?

7 A No, they were dead.

8 Q Or for whom they were intended?

9 A No.

10 Q And if they were received by the person for
11 whom they were intended?

12 A No, I couldn't tell that.

13 Q And the fingerprint that you located was on the
14 outside of the paper (indicting); was it not?

15 A Yes, in the manner that you --

16 Q In the manner that I'm doing.

17 A Yes.

18 Q And whether or not the fingerprint that you
19 identified was placed there by the giver of the flowers
20 to the receiver of the flowers; could you?

21 A I don't know that circumstance.

22 Q Or was placed there by the receiver of the
23 flowers, having been given them by someone other than the
24 owner of the print?

25 A I can't tell who was given the flowers from the

1 print.

2 Q And you can't tell when they were given?

3 A That's correct.

4 Q And whether or not that was a happy or a sad

5 occasion?

6 A That's correct.

7 Q And anything else about the circumstances as to

8 how that print got there?

9 A No, I cannot.

10 Q Or how long it had been there?

11 A No.

12 Q Or how long after the print had been placed

13 that this particular evidence of what appears to be

14 flowers inside had been at the place from where it was

15 recovered?

16 A I cannot tell that.

17 Q And in your expertise, you wouldn't attempt to

18 tell us that; would you?

19 A Not from that paper, no.

20 (Brief pause.)

21 THE COURT: Ms. Gutierrez, we are going to

22 pause at this point.

23 MS. GUTIERREZ: I just really have one more

24 question, Your Honor.

25 THE COURT: Well, you are going to have some

1 followup; are you not?

2 MS. MURPHY: Just briefly, Your Honor.

3 THE COURT: Okay. We are going to take a break
4 then. Ladies and gentlemen, we are going to recess for
5 probably about twenty to twenty-five minutes so that I
6 can handle my morning docket. At this time, I need to
7 advise you not to discuss the testimony you have heard in
8 this case. I need to ask that you not talk about it
9 amongst yourselves or with anyone else. I also need to
10 ask you to place your notepads face down on your chairs
11 and leave them here. They will be secured. No one will
12 read them. You will be coming back in about twenty to
13 twenty-five minutes and we will continue with this case.
14 I would also ask that at the time that you go back, keep
15 in mind that this is a break and we are going to resume
16 with this case. Then once you come back, we will go on
17 until about 12:30, a quarter of 1:00, take a luncheon
18 recess, and resume about 2:00 or so to finish with the
19 testimony for the rest of the day.

20 During the break, also keep in mind that I
21 expect to go today to about 5:00. So if you need to make
22 any arrangements to make sure that you can get home in
23 the evening hours or if your vehicle is in a location
24 that you need to make an adjustment during the luncheon
25 recess, you are welcome to do that. Also, if you would

1 like to use the twenty to twenty-five minutes to do that,
2 you may also use that time as well because it will be at
3 least twenty to twenty-five minutes before we can resume
4 this case.

5 At this time, I'm going to ask that you all go
6 with Ms. Connolly, who will escort you back to the jury
7 room. Also, as you are going out, there is a canteen on
8 the second floor of this building. Please feel free to
9 go down and get yourselves a cup of coffee or a cup of
10 tea and bring that back up to the jury room because,
11 again, you will be sitting there for about twenty to
12 twenty-five minutes before we will be able to resume.
13 Thank you.

14 (The jury was excused from the courtroom.)

15 THE COURT: Okay. This court stands in recess
16 for the next twenty to twenty-five minutes for this case.
17 However, all those that are on my docket, do not go
18 anywhere. I'm just going to let everyone clear out, and
19 then we will resume this case promptly.

20 I need some assistance first. I need to find
21 out whether or not any of the jurors, in fact, left the
22 jury room. If you could just secure them in the jury
23 room until Officer Gilmore finishes doing what he needs
24 to do. Officer Church, if they have left, let Officer
25 Gilmore know that as well. If they have not left, tell

1 them to wait one second before they go anywhere. Officer
2 Gilmore, if you will just coordinate with Deputy Church,
3 I'm going to be asking that you bring up three co-
4 defendants so that we can handle another matter.

5 OFFICER GILMORE: Okay.

6 THE COURT: Okay. None of the jurors have
7 left?

8 THE CLERK: No, I put them in the jury room.

9 THE COURT: Okay. Thank you.

10 MR. URICK: Your Honor, if I may address the
11 scheduling issue, we have Don Cliendinst physically
12 present as the next witness after Ms. Talmadge. We have
13 Sal Bianca from the Crime Lab on call. I'm not certain
14 but I think Mr. Cliendinst should fill until the lunch
15 break.

16 MS. GUTIERREZ: I don't think so.

17 THE COURT: Well, Mr. Urick, it's your case. I
18 have no idea how many witnesses you have. I don't know
19 how long the witnesses are. I told you how long I
20 expected that we would sit. You will have to figure out
21 whether you think that that person's testimony is long
22 enough to fill that void. I don't know how long that
23 witness is and I certainly don't have any idea how long
24 Ms. Gutierrez's cross is going to be. But I can tell
25 you, if you finish with the witness and you don't have

1 another witness available, and it's almost lunchtime, we
2 will take a lunch break. I mean, we will accommodate you
3 in that fashion.

4 MR. URICK: Thank you.

5 THE COURT: All right. Very well.

6 MS. MURPHY: Your Honor, may Ms. Talmadge take
7 a break?

8 THE COURT: Yes. Ms. Talmadge, you are also
9 free to take a break. We will be away for about twenty-
10 five minutes. During that time, you may not discuss your
11 testimony with anyone. You are on the witness stand, so
12 you may not have a conversation with the State or the
13 defense or anyone about your testimony until you have
14 concluded.

15 All right. Very well. You may go about your
16 business and return in about twenty to twenty-five
17 minutes.

18 THE WITNESS: Thank you.

19 THE COURT: All right. I'm going to take a two
20 or three minute recess while they bring the defendants
21 up, and then I will handle the rest of our docket.

22 THE CLERK: All rise. This court will take a
23 brief recess at this time.

24 (Brief recess.)

25 -oOo-

1 (Jury not present upon reconvening.)

2 THE CLERK: All rise. This court resumes in
3 session.

4 THE COURT: Please be seated. We are going to
5 bring the jury back out and resume this case. Please be
6 seated, counsel.

7 (Brief pause.)

8 (The jury returned to the courtroom.)

9 THE COURT: Please be seated. All right.
10 Ladies and gentlemen, we are going to resume with our
11 case today.

12 As our last witness was still on the stand at
13 the time we took a recess, I will remind you that you are
14 still under oath.

15 At that time, Ms. Gutierrez was conducting
16 cross-examination and I believe she had a few more
17 questions.

18 SHARON TALMADGE

19 resumed the witness stand and, having been reminded she
20 was still under oath, was examined and testified further
21 as follows:

22 CROSS-EXAMINATION (Continuing)

23 BY MS. GUTIERREZ:

24 Q Ms. Talmadge, essentially I only have one.
25 Now, you told me in response to my questions, or you told

1 us that, of course, in your expertise, even when you find
2 a fingerprint, you can't tell when the fingerprint had
3 been placed there, correct?

4 A That's correct.

5 Q And you can't tell, even when you get the best
6 of a latent print or lift, how long it had been there,
7 correct?

8 A That's correct.

9 Q And what, if anything, had happened to the
10 place where the fingerprint was, whether it's a glass
11 pane or a map book or a piece of paper, whether or not of
12 those, other than the person who deposited the
13 fingerprint or the palmprint there, had touched it
14 afterwards?

15 A If they left no ridge detail, I would not be
16 able to tell.

17 Q And that might occur not because they didn't
18 touch it hard enough but they might not have had enough
19 oil on their own hands at the time they touched that
20 surface, correct?

21 A That's correct.

22 Q A fingerprint, regardless of its condition, or
23 a palmprint, regardless of its condition, if it is placed
24 on a good surface, can essentially, if it's not
25 obliterated by something or someone else, can last

1 forever; can it not?

2 A Under ideal circumstances, they can last
3 indefinitely.

4 Q And sometimes under less than ideal
5 circumstances, they can last a very long time?

6 A It's possible, yes.

7 Q Years, in fact?

8 A It depends upon the surface, yes.

9 Q But it is possible, yes?

10 A Yes.

11 MS. GUTIERREZ: Thank you.

12 THE COURT: Thank you, Ms. Gutierrez. Any
13 redirect?

14 MS. MURPHY: Thank you, Your Honor.

15 REDIRECT EXAMINATION

16 BY MS. MURPHY:

17 Q Ms. Talmadge, do your reports which we have
18 entered into evidence indicate where specifically in the
19 car the items were recovered?

20 A It's designated as back seat or the glove box
21 or the trunk.

22 Q Ms. Talmadge, in your experience, would it be
23 unusual, if someone was not the owner of a particular
24 vehicle, to identify prints on items located not just in
25 the car but in the trunk, in the glove box, and in the

1 back seat? All of those areas, and identification of a
2 print, would those things be unusual?

3 A Well, as I said before, it's rather unusual
4 that you do develop a print at all because it is very
5 hard to leave a print that is suitable for comparison.
6 But in this particular instance, as you pointed out, we
7 have prints from the glove box, prints from the items in
8 the back seat, and we have prints from the trunk of the
9 vehicle that are all identified to the same person.

10 Without that being the owner of the vehicle, I
11 would say yes, that would be unusual.

12 Q While you were able to develop a number of
13 prints, were you able to positively identify any prints
14 other than those of Adnan Syed?

15 A No, I was not.

16 MS. MURPHY: Thank you. I have no other
17 questions, Your Honor.

18 RECROSS-EXAMINATION

19 BY MS. GUTIERREZ:

20 Q Ms. Talmadge, do you even know who the owner of
21 the car was?

22 A No, I do not.

23 Q And do you even know whether or not the actual
24 owner of the car was ever actually inside the car?

25 A No, I do not.

1 Q And you don't know, in fact, from your own
2 personal knowledge, who were the persons and/or persons,
3 in the plural, who drove the car on a regular basis,
4 correct?

5 A I have no idea.

6 Q Or who were in the car, whether it was being
7 driven or while it was parked, correct?

8 A That's correct.

9 Q And you, of course, were not given any other
10 prints, ink prints, to compare with whatever lifts or
11 latents you got; were you?

12 A Only the prints of --

13 Q Jay Wilds.

14 A -- Jay Wilds.

15 Q And Jay Wilds was listed on your form as a
16 suspect; was he not?

17 A He is in that section of the report, yes.

18 Q The section of the report. It comes to you as
19 a form, does it not, requesting you to do your analysis?

20 A Yes.

21 Q And on that form, before you got it, the name
22 Jay Wilds was listed in the portion that identifies
23 suspects; was it not?

24 A Yes, it is listed there.

25 Q And there was no other name in there other than

1 Adnan Syed and Jay Wilds?

2 A No, there was not.

3 Q Now, you, of course, in your expertise, do not
4 know why and under what circumstances Jay Wilds came to
5 be regarded as a suspect; do you?

6 A No, I do not.

7 Q Nor do you know how Adnan Syed came to be
8 regarded as a suspect?

9 A No, I do not.

10 Q Or if, in fact, Adnan Syed only became a
11 suspect when Jay Wilds said he was? You wouldn't know
12 that; would you?

13 A No, I wouldn't.

14 Q That's not part of your expertise; is it?

15 A No, it's not.

16 Q And you, of course, were not asked to determine
17 if, in fact, that car contained any fingerprints that
18 might match the owner of the car?

19 A I don't know who the owner of the car is.

20 Q But in any event, you weren't asked to match
21 anything that you found with prints identified to you as
22 belonging to the owner of the car; were you?

23 A No.

24 Q Nor were you asked to identify any lifts of
25 latents together with anyone who may have driven or been

1 in the car on a regular basis?

2 A The only thing that I had was a couple of
3 prints that I managed to obtain from Hae Lee to compare.

4 Q And did you do so?

5 A Yes, I did.

6 Q Okay. And did you fill out a report?

7 A No, I did not.

8 Q Were you asked to do so?

9 A That's done automatically.

10 Q Okay. And, again, you have never been provided
11 any factual information as to who else's prints might be
12 expected to appear inside or outside that car?

13 A No, I have not.

14 Q In regard to the items that Ms. Murphy just
15 asked you, there were certain items recovered from the
16 trunk of the car, correct?

17 A That's correct.

18 Q And they were identified to you as to where
19 they were recovered, correct?

20 A That's correct.

21 Q And you, of course, not only were not provided
22 any information, you could not ascertain when, under what
23 circumstances, or by whom those items had been placed
24 from where they were retrieved?

25 A No.

1 Q Nor how long they had been there?
2 A That's correct.
3 Q And the items in the glove box, they were
4 identified to you regarding their location when they were
5 submitted to you; were they not?
6 A That's correct.
7 Q And in regard to those items, you can't tell us
8 when they were placed in the glove box?
9 A No, I cannot.
10 Q Or where they came from before they were placed
11 there?
12 A No.
13 Q Or by whom they had been placed there?
14 A No.
15 Q And you can't, of course, tell us how often,
16 from the time that you cannot determine that they were
17 placed there, they were removed from the glove box?
18 A No, I cannot.
19 Q For legitimate purposes --
20 A No.
21 Q -- or illegitimate purposes, right?
22 A That's correct.
23 Q You, for instance, can't tell us if the
24 registration and the insurance card were removed by a
25 driver who had the permission to drive the car from

1 someone with the apparent authority to give it who
2 retrieved the registration and the insurance information
3 because of a minor fender-bender that occurred while they
4 were driving; can you?

5 A No, I cannot.

6 Q Or whether or not the person you have
7 identified as having the prints on the latents lifted
8 from those items retrieved those items from the glove
9 compartment because they were asked to do so by the
10 driver for similar reasons such as an accident?

11 A I have no idea.

12 Q Or a traffic stop --

13 A No.

14 Q -- by a police officer --

15 A No.

16 Q -- who legitimately stopped the driver for say
17 speeding?

18 A I have no idea.

19 Q You have no idea of when those prints were
20 placed there, right?

21 A That's correct.

22 Q Only that they appeared when you attempted to
23 lift them, correct?

24 A That's correct.

25 Q And that date is on February 9th?

1 A (No response.)

2 Q I'm sorry. That date was after February 9th;

3 was it not?

4 A That's correct.

5 Q And you can't tell us anything about that print

6 or prints or palmprints other than that, that it

7 appeared, correct?

8 A The only piece of evidence that has a date on

9 it at all that would indicate a time would be the

10 envelope that is postmarked October 3rd.

11 Q October 3rd, 1998, correct?

12 A That's correct.

13 Q And if, in fact, that is a real post office

14 franking symbol on the envelope, then you can tell us

15 that anything should have occurred after then, correct?

16 A Yes.

17 Q Correct?

18 A That's correct.

19 Q Okay. Except you can't tell us who mailed the

20 letter; can you?

21 A No, I cannot.

22 Q And you can't tell us whether or not the letter

23 was mailed before October 3rd, the franking date, by the

24 exact person whose print you identified; can you?

25 A No, I cannot.

1 Q So as I just asked, you really can't tell us
2 anything definitive about when any print that you have
3 identified was placed where you lifted it from; can you?

4 A No.

5 MS. GUTIERREZ: Thank you.

6 THE COURT: Anything further on recross?

7 MS. MURPHY: Just briefly, Your Honor.

8 THE COURT: No, I mean from Ms. Gutierrez.

9 MS. GUTIERREZ: No, Your Honor.

10 THE COURT: All right.

11 MS. GUTIERREZ: Thank you.

12 THE COURT: Then re-redirect.

13 MS. MURPHY: Thank you, Your Honor.

14 RE-REDIRECT EXAMINATION

15 BY MS. MURPHY:

16 Q Ms. Talmadge, just to clarify something, your
17 comparison with respect to these specific items which we
18 have been discussing, they were not compared only to Jay
19 Wilds; is that correct?

20 A As I stated before, the ones that were good
21 enough to go into the computer system were searched
22 through the computer system. They were checked with
23 Adnan Syed and Jay Wilds.

24 Q And also to clarify, your results do
25 definitively tell us one thing about four of these items,

1 and that is whose print is on those items; is that
2 correct?

3 A That's correct.

4 Q And you were able to identify whose prints?

5 A Adnan Syed.

6 MS. MURPHY: No other questions, Your Honor.

7 THE COURT: Very well.

8 MS. GUTIERREZ: Nothing further.

9 THE COURT: May this witness be excused from
10 the State?

11 MS. MURPHY: Yes, Your Honor.

12 THE COURT: And from the defense?

13 MS. GUTIERREZ: Yes, Your Honor.

14 THE COURT: And released from subpoena?

15 MS. GUTIERREZ: Yes.

16 THE COURT: Very well. You are free to go at
17 this time, and you are released from subpoena at this
18 time.

19 THE WITNESS: Okay.

20 THE COURT: I must admonish you that you may
21 not discuss your testimony with anyone in that you are
22 technically a sequestered witness, but because you have
23 been released from subpoena at this time, you are welcome
24 to stay in the courtroom if you would like.

25 THE WITNESS: Thank you.

1 THE COURT: Very well. And please leave that
2 exhibit. It will have to remain since it has been
3 marked.
4 THE WITNESS: Okay.
5 THE COURT: Your next witness?
6 MR. URICK: Donald Cliendinst.
7 THE COURT: Please ask Mr. Cliendinst to step
8 in.
9 (Brief pause.)
10 THE COURT: Sir, I need you to remain standing
11 there. Raise your right hand and listen to Mr. White as
12 he gives you the oath.
13 DONALD ROBERT CLIENDINST, III
14 a witness produced on call of the State, having been
15 first duly sworn according to law, was examined and
16 testified as follows:
17 THE CLERK: You may be seated. Please keep
18 your voice up and state your name for the record?
19 THE WITNESS: Donald Robert Cliendinst, III.
20 THE CLERK: Please spell your last name for the
21 record?
22 THE WITNESS: C-L-I-E-N-D-I-N-S-T.
23 THE CLERK: And state your address for the
24 record, please?
25 THE WITNESS: I live at [REDACTED], Bel

1 Air, Maryland.

2 THE CLERK: Thank you.

3 THE COURT: Sir, I'm going to ask you that

4 during the course of the questioning you keep your voice

5 up. All the ladies and gentlemen of the jury have to

6 hear you. This is a small courtroom but sometimes you

7 don't really speak up, thinking that everyone can hear

8 because it is a small courtroom. The device in front of

9 you is, in fact, a mike. The one sitting up is a

10 recording device but the one laying down flat is a

11 microphone, and if you lean forward, your voice will be

12 amplified.

13 Witness with you.

14 MR. URICK: Thank you, Your Honor.

15 DIRECT EXAMINATION

16 BY MR. URICK:

17 Q Good afternoon, Mr. Cliendinst. Did you know

18 Hae Min Lee?

19 A Yes, sir.

20 Q How did you come to know her?

21 A Through work at Lenscrafters.

22 Q When did you start working at Lenscrafters?

23 A At the store she was in, I started in October.

24 Q And which store was that?

25 A Owings Mills.

1 Q And when did she start there, if you know?
2 A It was around the same time that I began
3 working at that store.
4 Q Was she actually working there when you
5 started?
6 A I'm not really sure.
7 Q And what, if any, relationship developed
8 between you and Ms. Lee?
9 A We began dating.
10 Q When did you begin dating?
11 A In January.
12 Q Of 1999?
13 A Yes, sir.
14 Q Okay. Now, have you ever met the defendant in
15 this case?
16 A Yes, sir.
17 Q When would you have first seen him, or how did
18 you first see him?
19 A It would have been in December. He started
20 coming in the store in the late evenings.
21 Q And what would he do?
22 A Stand around and wait for Hae to get off work.
23 Q And did there come a time when her car was
24 unavailable and he came to pick her up?
25 A Yes, sir.

1 Q What were you doing at that time?
2 A I was leaving work.
3 Q And describe what you did as you were leaving
4 work?
5 A I was leaving work and my car was parked out at
6 the end of the parking lot, so I was walking up to my car
7 and when I got there, he had driven up to where I was
8 and, you know, rolled down his window to speak with me.
9 Q What did he say?
10 A I can't really recall offhand exactly what he
11 said. He was basically just making small talk to start
12 with.
13 Q And then what happened?
14 A He got out of the car and we were talking for a
15 while until Hae came out.
16 Q And what, if anything, did he tell you at that
17 point?
18 A What he told me at that point is that he was --
19 he said he was just checking me out to make sure that I
20 was okay.
21 Q And do you see the person who said that to you
22 in the courtroom today?
23 A Yes, sir.
24 Q Would you please point him out?
25 A He is sitting right there (indicating.)

1 MR. URICK: For the record, indicating the
2 defendant.

3 BY MR. URICK:

4 Q Now, drawing your attention to January the 13th
5 of 1999 -- well, no, let me back up. When was your first
6 date with Hae Lee?

7 A It was the first of the year in '99.

8 Q And drawing your attention to January the 13th
9 of 1999, where were you that day?

10 A I was working at another store to help out.

11 Q Which store was that?

12 A Hunt Valley.

13 MR. URICK: Your Honor, may I approach the
14 witness at this time?

15 THE COURT: Yes, you may.

16 (State's Exhibit No. 29
17 was marked for purposes
18 of identification.)

19 BY MR. URICK:

20 Q I am going to hand you State's Exhibit 29 and
21 ask you to look at the second sheet of paper there.

22 A Yes.

23 THE COURT: It has been marked for
24 identification purposes at this time.

25 MR. URICK: Yes.

1 BY MR. URICK:

2 Q Can you identify that?

3 A Yes, sir.

4 Q What is that?

5 A It would be the time card printed from the
6 computer at that store.

7 Q When you say that store, do you mean the Hunt
8 Valley store?

9 A The Hunt Valley store, yes.

10 Q And does that indicate the hours that you
11 worked at that store that day?

12 A Yes, sir.

13 Q What times did you punch in and punch out on
14 that day?

15 A I punched in at 9:02 a.m. and I punched out at
16 1:10 p.m. and punched back in at 1:42 p.m. and then out
17 at 6:00 p.m.

18 MR. URICK: At this time I would offer, as
19 State's Exhibit 29, the certified business records of the
20 Lenscrafters Corporation.

21 THE COURT: Any objection?

22 MS. GUTIERREZ: No.

23 THE COURT: Let it be admitted.

24 (State's Exhibit No. 29,
25 previously marked for

1 identification, was
2 received in evidence.)

3 BY MR. URICK:

4 Q How did you come to find out that Hae Lee was
5 missing?

6 A When I arrived home at 7:00 that afternoon from
7 work and received a call from my Lab Manager asking me if
8 I knew where she was.

9 (Brief pause.)

10 MR. URICK: Witness with the defense.

11 CROSS-EXAMINATION

12 BY MS. GUTIERREZ:

13 Q Your Lab Manager, Mr. Cliendinst, then knew
14 that you had some kind of relationship with Hae Min Lee,
15 correct?

16 A Yes.

17 Q And that's why you were called, to see if you
18 had any idea of her whereabouts that day, correct?

19 A Yes, ma'am.

20 Q And you worked at Hunt Valley and that was
21 unusual because normally you worked at Owings Mills all
22 day during the daytime of January 13th, correct?

23 A Could you restate that, please?

24 Q You worked at Hunt Valley that day all day on
25 the 13th; didn't you?

1 A Yes, ma'am.

2 Q Isn't that what you just told us?

3 A Yes.

4 Q Is there any dispute about that?

5 A No.

6 Q Is there anything to remember or not remember?

7 A No, ma'am.

8 MR. URICK: Objection.

9 THE COURT: Overruled.

10 BY MS. GUTIERREZ:

11 Q And later, after you got home, you were called

12 by your Lab Manager, and that was the Lab Manager from

13 the Owings Mills store, correct?

14 A Yes, ma'am.

15 Q All right. And that person knew then on

16 January 13th, the day the call was made, that you and Hae

17 Min Lee were girlfriend and boyfriend, correct?

18 A Yes.

19 Q And ultimately you were contacted by the

20 police, correct?

21 A Yes.

22 Q And you were spoken to on that very day or the

23 next day?

24 A On that day.

25 Q On the 13th?

1 A Yes.

2 Q Is that correct?

3 A Yes.

4 Q At your home; is that correct?

5 A Yes.

6 Q And, sir, you were made aware, were you not,
7 that in fact someone from Woodlawn had told the police
8 that Hae Min Lee had said she was going to hook up with
9 you after she left school?

10 A (No response.)

11 Q Were you not told that?

12 A No.

13 Q And were you asked about any plans you may have
14 had to be with her then?

15 A Yes, I was asked that.

16 Q All right. And you told them you had no plans
17 to see her that day, correct?

18 A I do not recall what I told them.

19 Q You don't recall what you told the police who
20 contacted you about the disappearance of your then
21 girlfriend?

22 A No, ma'am.

23 Q I would assume, Mr. Cliendinst, that is an
24 unusual event, your girlfriend disappearing, and then
25 turning up murdered and buried?

1 A Yes.

2 Q Okay. Now, Mr. Cliendinst, were you ever asked

3 to provide your fingerprints?

4 A No, ma'am.

5 Q Were you ever asked to provide your blood?

6 A No, ma'am.

7 Q Or your saliva?

8 A No.

9 Q Or your hair?

10 A No.

11 Q Or your picture taken?

12 A No.

13 Q And were you ever hauled down to the police

14 station either in Baltimore County or in Baltimore City?

15 A No.

16 Q Not to answer during any interrogation?

17 A No.

18 Q Or any interview?

19 A No.

20 Q Or to have it taped?

21 A No.

22 Q Not then, back in January of 1999, right?

23 A Yes.

24 Q Not any day later, correct?

25 A Yes.

1 Q And not any day up until and including today,
2 correct?
3 A Yes.
4 Q Now, on January 13th, you would have fairly
5 described your relationship with Hae Min Lee as
6 girlfriend/boyfriend, would you have not?
7 A Yes.
8 Q Your first date had been less than two weeks
9 before the day that you got the call from your manager,
10 correct?
11 A Yes.
12 Q So you had been girlfriend/boyfriend with her
13 for less than two weeks, correct?
14 A Yes.
15 Q Would you have described your relationship as
16 one of soul-mates?
17 A No.
18 Q Had you seen her on dates in that two week
19 time?
20 A Yes.
21 Q The first date was January 1st, correct?
22 A Yes.
23 Q And how often had you seen her as a girlfriend
24 from the 1st up until the 13th, the day you said you
25 never saw her?

1 A It was quite frequent actually.

2 Q Quite frequently, almost every day?

3 A About every other day.

4 Q Every other day. And you would see her a lot

5 because sometimes you worked the same shifts, correct?

6 A Yes.

7 Q But you had only known her at some point after

8 you began working at the Owings Mills mall store,

9 correct?

10 A Yes.

11 Q She may have worked there before then but you

12 also don't recall that, right?

13 A Yes.

14 Q But you were not girlfriend and boyfriend and

15 you had not had a date until the first day of 1999; is

16 that correct?

17 A Correct.

18 Q Now, you said, you just told us that the first

19 time that you met Adnan was the day on the parking lot at

20 the Owings Mills mall, correct?

21 A No.

22 Q When is the first time that you met him?

23 A Back in December.

24 Q When he came into the mall itself?

25 A Yes.

1 Q And on those days, it appeared he would come in
2 and wait for Hae to get off; is that correct?
3 A Yes.
4 Q And you were aware back then in December and
5 before that he was her boyfriend, correct?
6 A No.
7 Q And did you meet him?
8 A I had spoken with him.
9 Q And how is it that you had spoken to him? Did
10 you know him?
11 A No, I just, as a courtesy, greeted him.
12 Q Did you know who he was?
13 A No.
14 Q So what courtesy were you extending to an
15 unknown person?
16 A He was in the store and it was my job.
17 Q Okay. And did you serve him as a customer?
18 A No, he said he was waiting.
19 Q For Hae Min Lee?
20 A Yes.
21 Q He was very open about it; was he not?
22 A Yes.
23 Q And from what else you observed, he was
24 expected; was he not?
25 A I really do not --

1 Q Well, you observed Hae Min --
2 THE COURT: Wait a minute. I really do not --
3 THE WITNESS: Know if he was expected or not.
4 THE COURT: Okay. Next question.
5 BY MS. GUTIERREZ:
6 Q Hae Min Lee ultimately on those days would go
7 with him; would she not?
8 A Yes, ma'am.
9 Q After her work, correct?
10 A Yes.
11 Q And that appeared to you to be willing; did it
12 not?
13 A Yes.
14 Q She didn't appear to be coerced by this person
15 to leave work with him; did she?
16 A No.
17 Q And you later found out from her, did you not,
18 that that was her boyfriend, correct?
19 A No.
20 Q No. And, sir, did you ever make an attempt to
21 get to meet or know who this person was?
22 A No.
23 Q At the time, in December of 1998, were you
24 interested in Hae Min Lee romantically?
25 A Yes.

1 Q Had you let her know that?
2 A No.
3 Q And had you intimated to her at all that, hey,
4 when she got done with her current boyfriend, that you
5 were available and interested in her for her new
6 boyfriend?
7 A No.
8 Q When you had your first date with Hae Min Lee,
9 had the day in the parking lot occurred already?
10 A I do not recall.
11 Q Okay. Now, sir, you recall that you told us
12 what Adnan Syed said to you was that he was just checking
13 you out to make sure that you were okay. Do you recall
14 that?
15 A Yes.
16 Q You understood what he meant when he said that;
17 didn't you?
18 A Not really.
19 Q Well, at that point you were already going out
20 with Hae Min Lee; were you not?
21 A I do not recall.
22 Q Well, if he said that before you were going out
23 with her, his remark really would not have made sense;
24 would it have?
25 A No.

1 Q No elaboration on what he was checking you out
2 about, right?

3 A Correct.

4 Q But if the remark occurred after you were
5 dating Hae Min Lee, that remark made all the sense in the
6 world; did it not?

7 A Yes.

8 Q Because you were the new boyfriend, correct?

9 A Yes.

10 Q And when he made that remark, he was not
11 hostile; was he?

12 A No.

13 Q When you saw him approach in his car, you were
14 walking to your car; were you not?

15 A Yes.

16 Q And to your knowledge, because you had just
17 left work, Hae Min Lee was still inside; was she not?

18 A Yes.

19 Q And you knew from your own knowledge that Hae
20 Min Lee's car, as you stated, was unavailable?

21 A Yes.

22 Q And that was because she had had a sort of
23 minor slide off the road, because of the weather, on her
24 way to work, correct?

25 A Yes.

1 Q And she told you about that, correct?

2 A Yes.

3 Q And that was in early January; was it not?

4 A Yes.

5 Q One of the snow days in that first week of

6 January; was it not?

7 A I believe so.

8 Q And that is what had caused her to sort of

9 slide off the road; wasn't it?

10 A Yes.

11 Q Okay. And, in fact, when Adnan Syed approached

12 you, he was driving Hae Lee's car; was he not?

13 A Yes.

14 Q And it turned out, based on what he told you,

15 that he was checking it out to see if it was safe for her

16 to drive home; isn't that correct?

17 A Yes.

18 Q And, in fact, he came up to you because he knew

19 you and asked you your opinion about the safety in regard

20 to the driveability of her car; isn't that correct?

21 A Yes.

22 Q And you, in fact, discussed the condition of

23 her car with Adnan before Hae Min Lee ever came out of

24 the mall; did you not?

25 A Yes.

1 Q And ultimately you both agreed that she
2 shouldn't drive her car, correct?

3 A Yes.

4 Q Now, you became aware both from your own
5 observations and subsequent events that it was Hae Min
6 Lee that had called Adnan, her then ex-boyfriend, to come
7 to her job to check out the safety of her car; isn't that
8 correct?

9 A Yes.

10 Q And subsequent to Adnan coming up to you, and,
11 by the way, during no time during any of your discussions
12 with him on that parking lot was there any hostility
13 between the two of you?

14 A No.

15 Q He was pleasant; was he not?

16 A Yes.

17 Q He identified himself readily to make sure you
18 knew who he was; didn't he?

19 A Yes.

20 Q And he was pleasant and personable to you; was
21 he not?

22 A Yes.

23 Q And that continued even after Hae Min Lee
24 exited the mall and came to where now you, Adnan, and her
25 car were, correct?

1 A Yes.

2 Q There was small talk among the three of you,
3 correct?

4 A Yes.

5 Q Not just about the driveability of her car,
6 right?

7 A Yes.

8 Q And it was clear, based on what you heard, that
9 there was no hostility between your now girlfriend and
10 Adnan Syed, correct?

11 A Correct.

12 Q And that small talk continued for a little
13 while; did it not?

14 A A few minutes.

15 Q Ultimately, Hae Min Lee agreed to follow the
16 advice that was then jointly given to her, and that was
17 leave the car there on the lot; was it not?

18 A Yes.

19 Q And she followed that; did she not?

20 A Yes.

21 Q And she then left with Adnan, her ex-boyfriend,
22 in his car; did she not?

23 A Yes.

24 Q You would have taken her home if she had asked;
25 would you have not?

1 A Yes.

2 Q After all, she was now your girlfriend, right?

3 A Yes.

4 Q And in the week since you had first started

5 dating, you and she of course didn't have an exclusive

6 relationship yet; did you?

7 A (No response.)

8 Q You don't remember?

9 A I'm not sure exactly what our relationship was

10 at that point, exclusive or not.

11 Q Back then because you all had just been dating

12 for a week, right?

13 A Yes.

14 Q And although you had felt these things that you

15 might be available to be her boyfriend, you had never

16 expressed them before then, correct?

17 A Correct.

18 Q So your relationship dated from the first date,

19 correct?

20 A Yes.

21 Q And in the week that you had been seeing each

22 other, even if you had seen each other every single day,

23 you hadn't really defined what this relationship was; had

24 you?

25 A No.

1 Q Had you yet been intimate with her?
2 A I do not recall.
3 Q Well, sir, you know that she is dead now,
4 correct?
5 A Yes.
6 Q And you were made aware when her body was
7 identified in February, correct?
8 A Yes.
9 Q Had you ever been intimate with her before her
10 death?
11 A Yes.
12 MR. URICK: Objection.
13 BY MS. GUTIERREZ:
14 Q Yes. And so the intimacy occurred sometime
15 after your first date, correct?
16 A Yes.
17 Q And sometime before her disappearance and
18 death, correct?
19 A Yes.
20 Q How many times had you been intimate with her?
21 MR. URICK: Objection.
22 THE COURT: Sustained.
23 BY MS. GUTIERREZ:
24 Q Before you left the mall on that day sometime
25 at the end of the first week in January, you said that

1 you knew that her car was unavailable to her. Do you
2 recall that?

3 A Yes.

4 Q By unavailable, you meant it was undriveable,
5 correct?

6 A Yes.

7 Q And you, before you walked out, had gone
8 previously and looked at the car?

9 A No.

10 Q Had she asked you to do so?

11 A Not at that point.

12 Q Had you volunteered to do so?

13 A Yes.

14 Q All right. But she didn't take you up on that,
15 correct?

16 A Not until afterwards.

17 Q And the afterwards was after you had already
18 left on your way home, correct?

19 A Yes.

20 Q When Adnan Syed drove toward you in her car,
21 you were on your way to getting your car and thereupon to
22 leave the mall for good, correct?

23 A Yes.

24 Q You were leaving without your girlfriend,
25 correct?

1 A Yes.

2 Q And you knew that she had already called her
3 ex-boyfriend to come up and get her; did you not?

4 A I knew she called somebody.

5 Q You knew that somebody was coming to get her,
6 correct?

7 A Yes.

8 Q And if you had known it was her ex-boyfriend,
9 you of course would not yet have standing to object to
10 that; would you have?

11 A No.

12 Q No. Because you and she weren't really sure
13 what was going on in your relationship, right?

14 A Correct.

15 Q In the week after that, the week or maybe a day
16 or so less than a week between that day and the day you
17 got the call from the lab manager about did you know
18 where Hae Min Lee was, had you and she further defined
19 your relationship?

20 A We had talked about it.

21 Q Did you define it?

22 A Not totally.

23 Q Not totally. Were you yet exclusive?

24 A For the most part.

25 Q And did that mean that neither of you were

1 dating or having any type of relationship with someone
2 else?

3 A Other than friends, yes.

4 Q All right. Now, you were aware when, by your
5 own observations, you observed the person later known to
6 you to be Adnan Syed, when he was Hae Min Lee's
7 boyfriend; were you not?

8 A Could you repeat that, please?

9 Q You were aware, were you not, of when he and
10 Hae were boyfriend/girlfriend; were you not?

11 A After I had been dating her for a while, yes.

12 Q Now, a while, sir -- you only dated her for
13 thirteen days, correct?

14 A Yes.

15 Q Because your first date was January the 1st,
16 right?

17 A Yes.

18 Q And you got the call that she disappeared on
19 January the 13th, right?

20 A Yes.

21 Q And you didn't see her after then, right?

22 A No.

23 Q So your dating relationship was only a total,
24 at most, of thirteen days, correct?

25 A Yes.

1 Q So how much is a while?

2 A Several days, a week.

3 Q Several days or a week is a while. So in the

4 first week now, you have told us you really hadn't

5 discussed the parameters of a relationship, right?

6 A Yes.

7 Q So sometime almost to the end of the second six

8 days is when you discussed whether or not your

9 relationship was going to be exclusive, right?

10 A Yes.

11 Q So that day or the day before you get the phone

12 call is when you decided that this relationship was

13 exclusive?

14 A Yes.

15 Q Had you seen her on the 12th?

16 A Yes.

17 Q During the thirteen days of this relationship,

18 Mr. Cliendinst, had you ever discussed with Hae Min Lee

19 the demise of her relationship with Adnan Syed?

20 A No.

21 Q No. And were you aware from any source prior

22 to your first date what had happened to their

23 relationship, if anything?

24 A No.

25 Q Had you quizzed her about it?

1 A No.

2 Q Were you curious?

3 A No.

4 Q Were you aware from some other source,
5 observing or talking to somebody else, for instance, as
6 to whether or not her relationship with the man you had
7 seen still existed?

8 A No.

9 Q Did it matter to you?

10 A No.

11 Q So would it be fair to say that on your first
12 date you were not exactly serious about Hae Min Lee?

13 A I was serious about getting to know her.

14 Q You were serious about getting to know her, but
15 you were undecided as to what that was going to be,
16 correct?

17 A Correct.

18 Q And she, in that thirteen days, never trashed
19 her old boyfriend; did she?

20 A No.

21 Q And you had no further conversation with her
22 about him at all; did you?

23 A No.

24 Q And you say you didn't really even know if he,
25 in fact, was her old boyfriend, correct?

1 A Correct.

2 Q She still could have been seeing him, correct?

3 A Correct.

4 Q And during that period of time or before, were

5 you aware how close their friendship was? Now, not their

6 boyfriend/girlfriend status but other than that, their

7 friendship?

8 A No.

9 Q And how deep it was?

10 A No.

11 Q And that they referred to each other as soul-

12 mates?

13 A No.

14 Q Were you aware that Hae Min Lee, in that short

15 thirteen day period, wrote about you using the same words

16 in her diary?

17 A No.

18 Q Did you ever become concerned, because you

19 started out I'm concerned, about what the relationship

20 with Adnan was during any portion of that thirteen days?

21 A Yes.

22 Q Yes. And did you then confront her about that?

23 A No.

24 Q Did you ask her about that?

25 A No.

1 Q Did you ever tell her you wanted to know?
2 A No.
3 Q Did she ever volunteer the information?
4 A Yes.
5 Q And she told you that it was over, correct?
6 A Yes.
7 Q But during that first week is when she called
8 her ex-boyfriend to come get her from the mall, correct?
9 A Yes.
10 Q Did you find that odd?
11 A No.
12 Q When you observed them, because she came out,
13 correct?
14 A Yes.
15 Q And then the three of you were together for a
16 little while, right?
17 A Yes.
18 Q And then she left with him, correct?
19 A Yes.
20 Q You didn't ask for an explanation, right?
21 A No.
22 Q And she didn't offer any, did she?
23 A No.
24 Q And she appeared very comfortable with that;
25 did she not?

1 A Yes.

2 Q She didn't ask you to stop what you were doing
3 and instead take her home once you all agreed that she
4 shouldn't drive her car? She didn't ask you to change
5 your plans; did she?

6 A No.

7 Q And you didn't volunteer to change your plans;
8 did you?

9 A No.

10 Q And you didn't object to her riding off with
11 her old boyfriend; did you?

12 A No.

13 Q And she appeared perfectly comfortable with
14 that; didn't she?

15 A Yes.

16 Q She appeared very comfortable around Adnan; did
17 she not?

18 A Yes.

19 Q It clearly corroborated the fact when you saw
20 him and then saw her that he was the one that she had
21 called, correct?

22 A Yes.

23 Q All right. And they didn't appear at the end
24 of the first week of January to have any difficulty with
25 being around each other; did they?

1 A No.

2 Q And in the intervening week, did she ever
3 display to you any distaste of Adnan?

4 A No.

5 Q Or an inability to see him or speak to him?

6 A No.

7 Q Did she ever indicate to you that she had cut
8 out the friendship in addition to cutting out the
9 intimate relationship?

10 A No.

11 Q You were aware, were you not, Mr. Cliendinst,
12 that she went to school every day as a senior; were you
13 not?

14 A Yes.

15 Q And that she saw Adnan every day in at least
16 two of her classes every single day?

17 A Yes.

18 Q And you were aware that she was a good student;
19 were you not?

20 A Yes.

21 Q And you were aware from her that she was also a
22 good student, correct?

23 A Yes.

24 Q And you never made an issue about her
25 relationship with her friend, now ex-boyfriend, Adnan

1 Syed?

2 A No.

3 Q And you observed nothing in her behavior that
4 made you concerned about that?

5 A No.

6 Q And she said nothing to you; did she?

7 A No.

8 Q And you observed nothing else from your own
9 observations, including observing her speak to others,
10 that made you concerned about that relationship --

11 A No.

12 Q -- in any way to be a threat to you, right?

13 A Yes.

14 Q And in any way to be a threat to her?

15 A Yes.

16 Q Incidentally, the car that was left there
17 overnight, was she without her car for a couple days?

18 A I'm not sure.

19 Q Okay. And were you aware that the person she
20 depended upon to get to and from, during the period of
21 days after her car became unavailable, was in fact her
22 friend, Adnan Syed?

23 A No.

24 Q If you had been made aware of that back then,
25 would you have objected?

1 A No.
2 (Brief pause.)
3 MS. GUTIERREZ: Nothing further.
4 THE COURT: Any redirect?
5 MR. URICK: Yes, thank you.
6 REDIRECT EXAMINATION
7 BY MR. URICK:
8 Q From the time you first met Ms. Lee, up until
9 the incident you have described in January, did you ever
10 have occasion to see her and the defendant in her car?
11 A No.
12 MR. URICK: Nothing else.
13 THE COURT: Anything further?
14 RECROSS-EXAMINATION
15 BY MS. GUTIERREZ:
16 Q Do you have any idea whether or not Adnan Syed
17 was ever in her car?
18 A No.
19 Q You saw him in her car on that day at the end
20 of the first week of January, correct?
21 A Yes.
22 Q He was driving it; wasn't he?
23 A Yes.
24 Q And it appeared, based on the circumstances,
25 that you knew ahead of time and that you later observed

1 that he was driving her car with her permission?

2 A Yes.

3 Q And were you aware, sir, that she drove to

4 school every day?

5 A Yes.

6 Q And that she drove to school in that very car?

7 A Yes.

8 Q And that she parked her car on the parking lot

9 at Woodlawn?

10 A No, I did not know that.

11 Q You didn't know where she parked her car; did

12 you?

13 A No.

14 Q And you weren't aware that she had every single

15 day a free period during the five periods during the day;

16 were you?

17 A No.

18 Q Or that she and her friends would routinely

19 gather in each other's cars sometimes to leave the school

20 premises until their next period came up?

21 A No.

22 Q And that throughout the period of time from

23 when she got her car in the fall, that she remained good

24 friends with Adnan Syed even when they weren't boyfriend

25 and girlfriend for any period of time?

1 A Yes.

2 MS. GUTIERREZ: Nothing further.

3 THE COURT: Anything further?

4 MR. URICK: Yes.

5 RE-REDIRECT EXAMINATION

6 BY MR. URICK:

7 Q So if on January the 13th the defendant had

8 asked Ms. Lee to give him a ride home, she would have

9 made every effort to comply?

10 MS. GUTIERREZ: Objection.

11 THE COURT: If you know.

12 THE WITNESS: I really don't know.

13 MR. URICK: Nothing else.

14 THE COURT: Very well. May this witness be

15 excused, Mr. Urick?

16 MR. URICK: Yes.

17 THE COURT: May this witness be excused, Ms.

18 Gutierrez?

19 MS. GUTIERREZ: Yes.

20 THE COURT: And released from summonses?

21 MR. URICK: Yes.

22 MS. GUTIERREZ: Yes.

23 THE COURT: Okay. Sir, you are a sequestered

24 witness. However, at this time, as you heard from

25 counsel, your testimony will no longer be needed. For

1 that reason, one, you may not discuss your testimony with
2 anyone else who has been a witness in this case or will
3 be a witness in this case, but you are also free to sit
4 in the courtroom if you would like because at this time
5 you are free to go.

6 THE WITNESS: Thank you.

7 THE COURT: Very well. Ladies and gentlemen,
8 we are going to take a luncheon recess at this time.
9 Please be advised that you must keep your notepads face
10 down on the chairs during the luncheon recess. Mr. White
11 will secure them and return them to your chairs after the
12 luncheon recess. During this time, you must not discuss
13 the testimony that you have heard in this case amongst
14 yourselves or with anyone else. I must also ask that you
15 return to the jury room no later than 2:00. I have a
16 12:45 meeting which will go to about 1:45 to ten of 2:00.
17 It's really going to be strange how I will get to eat but
18 somehow I will figure out a way. So I will ask you to
19 return to the jury room though no later than 2:00. If
20 you wish to eat lunch there, just knock on my chambers
21 door if that door is not unlocked. Otherwise, you are
22 free to bring your lunch back there.

23 I would note that there is a canteen on the
24 second floor of this building if you choose not to go
25 outside at all. Again, someone should be in my chambers

1 to unlock that door so that you can go into the jury room
2 during the luncheon recess.

3 We will resume at about 2:00. So at this time,
4 if you will go with Ms. Connolly, she will walk you
5 around.

6 (The jury was excused from the courtroom.)

7 THE COURT: Okay. And for all others, this
8 court will stand in recess then until 2:00.

9 THE CLERK: All rise. This court will stand in
10 recess until 2:00.

11 (Whereupon, at 12:40 p.m., a luncheon recess
12 was taken.)

13 -oOo-

14 AFTERNOON SESSION

15 (2:25 p.m.)

16 (Jury not present upon reconvening.)

17 THE CLERK: All rise. The Circuit Court for
18 Baltimore City, Part 9, resumes in session, the Honorable
19 Wanda Keyes Heard presiding.

20 THE COURT: Please be seated. Are we going to
21 bring the witness back or do we have a new witness?

22 MS. GUTIERREZ: New witness.

23 MR. URICK: New witness.

24 THE COURT: A new witness, okay, and the jury
25 panel. I'm sorry, I'm out of breath. I just ran up the

1 steps.

2 (Brief pause.)

3 (The jury returned to the courtroom.)

4 THE COURT: Ladies and gentlemen, we are going
5 to continue with this case. Mr. Urick has his next
6 witness he is going to call.

7 MR. URICK: Yes, thank you, Your Honor. We
8 will call Sal Bianca at this time.

9 (Brief pause.)

10 THE COURT: Please raise your right hand, sir,
11 and listen to Mr. White as he gives you the oath.

12 SALVATORE JOHN BIANCA
13 a witness produced on call of the State, having first
14 been duly sworn according to law, was examined and
15 testified as follows:

16 THE CLERK: You may be seated. Please keep
17 your voice up and state your name for the record?

18 THE WITNESS: My name is Salvatore John Bianca.

19 THE CLERK: Spell your last name for the
20 record, please?

21 THE WITNESS: B-I-A-N-C-A.

22 THE CLERK: And state your assignment for the
23 record?

24 THE WITNESS: I work for the Baltimore Police
25 Department. I'm assigned to the Trace Analysis Unit of

1 the Crime Lab.

2 THE CLERK: Thank you.

3 MR. URICK: Good afternoon, Mr. Bianca.

4 THE WITNESS: Good afternoon.

5 DIRECT EXAMINATION

6 BY MR. URICK:

7 Q How long have you been employed by the
8 Baltimore City Police Department?

9 A A little over twenty-six years.

10 Q And what is the Trace Analysis Unit?

11 A The Trace Analysis Unit is a section of the lab
12 where we analyze physical evidence that has been
13 recovered from victims, crime scene suspects, and the
14 nature of our examinations are generally twofold. We are
15 looking at biological evidence and evidence of a chemical
16 nature. By biological, I mean things that come from the
17 body, associated with the body, such as blood, saliva,
18 hair, semen. By chemical, I mean things that are not
19 alive such as fibers, glass, soil, the nature of damage
20 to something, physical matches.

21 Those types of examinations are what we do in
22 the Trace Analysis Unit.

23 Q What is your expertise?

24 A In trace analysis, I have a background in all
25 the serology, all the bloodwork, and all the biological

1 nature and most of the chemical analyses. I do
2 everything in the chemical nature with the exception of
3 gunshot residue and glass.

4 Q And how long have you been in the Trace
5 Analysis Unit?

6 A Eleven years.

7 Q And what sort of education did you have?

8 A Well, it's an ongoing thing, education. Prior
9 to my employment with the Baltimore Police Department, I
10 was required to have a degree in a science. I have that.
11 I have a degree from the University of Maryland,
12 Baltimore County, in Biology. I have graduate studies at
13 Towson State University. Once I was employed with the
14 Baltimore Police Department, I received training on the
15 job, training at the Maryland State Police, training at
16 the Federal Bureau of Investigation, the FBI, at the
17 Department of Treasury, the Bureau of Alcohol, Tobacco
18 and Firearms, at the McCrone Institute in Chicago,
19 Illinois in Forensic Microscopy, and the list goes on.
20 Every year, I try to get into some type of training to
21 further what I do.

22 Q From the time you joined the Baltimore City
23 Police Department until you went to the Trace Analysis
24 Unit, what did you do?

25 A I worked in the Mobile Crime Lab. I did that

1 for fifteen years. What you do in the Mobile Crime Lab
2 is you respond to crime scenes, take photographs, draw
3 sketches, recover physical evidence, dust for
4 fingerprints.

5 Q During your eleven years with the Trace
6 Analysis Unit, have you ever been accepted for your
7 expertise in trace analysis by any of the courts in
8 Baltimore City?

9 A Yes.

10 Q Which courts have accepted you?

11 A These courts, circuit courts, and that's in
12 Baltimore City. I have also been accepted in trace
13 analysis in some of the surrounding counties.

14 Q And do you supervise any people?

15 A Only myself.

16 Q Okay. And have you ever trained anyone?

17 A Yes, I have trained several people, and I have
18 trained people from other jurisdictions and trained
19 people from out of the country.

20 MR. URICK: I would offer Mr. Bianca for his
21 expertise and training in trace analysis.

22 MS. GUTIERREZ: We would have stipulated to
23 same.

24 THE COURT: Very well. We will accept Mr.
25 Bianca in his -- I need you to state the expertise for

1 which you are offering him clearly.

2 MR. URICK: If I may have the court's
3 indulgence for just a second.

4 THE COURT: Sure.

5 (Brief pause.)

6 MR. URICK: I would offer him for his expertise
7 in trace analysis in the areas of biological and chemical
8 analyses.

9 THE COURT: Very well. There is no objection,
10 correct?

11 MS. GUTIERREZ: No, Your Honor.

12 THE COURT: Very well. Let him be accepted.

13 MR. URICK: If I may approach the witness at
14 this time.

15 THE COURT: Yes, you may.

16 BY MR. URICK:

17 Q Mr. Bianca, at this time I'm going to ask you
18 to examine what is already in evidence as State's Exhibit
19 26.

20 A Okay. I'm going to use my own gloves. I break
21 out with the other ones. Can I open it?

22 Q Yes.

23 (Brief pause.)

24 A All right.

25 Q Can you identify that item?

1 A Yes, I can. I can identify it two ways. First
2 of all, by the number on the bag, which is the police
3 property number. Items that are brought into the Police
4 Department are given a unique number. This number,
5 99008991, is a number that I recorded when I examined
6 this piece of evidence. Also, on the very bottom is a
7 white piece of masking tape with an "SB" stapled to it,
8 which are my initials. Items that I examine, I mark so
9 that at some later time, if I need to, I can identify it
10 in case it gets separated from the container.

11 Q What is serology?

12 A Serology is the study of blood and fluids, body
13 fluids, and that would be semen and saliva in addition to
14 blood.

15 Q Did there come a time when you were requested
16 to look at and analyze that shirt?

17 A Yes, there was.

18 Q When you first looked at it, what, if anything,
19 did you observe?

20 A I observed some red stains that would be on the
21 back lower right in an area where you see three circles
22 that have been cut away. This is where I observed three
23 red stains on the back and a red stain on the front. I
24 collected these stains. After I tested those and found
25 out they were human blood, I collected them so that if we

1 needed to do further testing, it could be done. That was
2 the first thing I did with the shirt.

3 Q What else did you do?

4 A I also used a laser. I spread the shirt out on
5 a table and used a neon argon laser. The reason why we
6 use a laser, if we are looking for seminal fluid, semen,
7 it glows in the dark when you excite it with a laser
8 light. Then any area that glowed -- you see these red
9 circles and magic marker -- well, because they glow in
10 the dark, you really can't see them when you turn the
11 light on. So you need to mark the area. Then if you
12 notice, each one of these circles, there is a little snip
13 of the material missing, and that's the areas that I
14 tested later on to see if there was semen. They glowed
15 and then I marked them and then tested them for semen.
16 All these spots were negative.

17 Also, about the same time, when you test it
18 with the laser, if there are strange fibers, some fibers
19 will glow in the dark with laser light, so we look for
20 those too. I didn't find any on this.

21 Q Did you find anything else on it?

22 A Two hairs and down here in the lower front and
23 on the back there are some brown areas that have all the
24 appearance of nasal mucous.

25 Q And what is nasal mucous?

1 A When you blow your nose, the secretions from
2 the lining of your nasal passages, when they come out
3 they harden. Sometimes they harden inside the end of
4 your nose. So when your nose is stuffy, you blow it out.
5 What comes out is the solid materials.

6 Q Did you find anything else on that shirt?

7 A If I can refer to my report, I believe there
8 was nothing else.

9 Q Yes.

10 (Brief pause.)

11 A That was the extent of it.

12 MR. URICK: With the court's permission at this
13 time, I would like to have the witness approach the jury
14 with the shirt and show them at a closer position where
15 the various stains were.

16 THE COURT: You may.

17 THE WITNESS: (Indicating.) Okay. You are
18 looking at the front of the shirt now. This area here
19 with the small hole is a blood stain. It's human blood.
20 It corresponds to the three stains in the back, the
21 largest one. It represents a bleed through. That means
22 that the stain is on the back, and it went through the
23 outside layer and onto the inside layer of the front of
24 the shirt and then came through.

25 There are other areas that are not circled that

1 are not enumerated. These are stains on the shirt that I
2 tested that were negative for blood and semen. On the
3 back, you see areas circled with red dots. These are the
4 areas that glowed in the laser light. A lot of things
5 glow under laser light such as soda and anything with
6 sugar in it. It's flavins that are in those that are
7 excited by the laser light.

8 Okay. These three circles are the blood stains
9 that I recovered. At the same time, I'll show you what
10 else I mentioned. This is the nasal mucous in the back,
11 if you can see it, in this area, and then on the front in
12 the lower right. I'll point to the area and then hold it
13 up again. It's in the lower right.

14 MR. URICK: Thank you.

15 THE WITNESS: May I return this to the bag?

16 MR. URICK: Yes, please.

17 (Brief pause.)

18 (State's Exhibit No. 27
19 was marked for purposes
20 of identification.)

21 BY MR. URICK:

22 Q Now, I would like to refer you to what has been
23 marked for identification as State's Exhibit 27. I think
24 you have already referred to that. How did you refer to
25 it?

1 A This is a report that I typed up on August the
2 31st, 1999, which was a report of the findings of my
3 examination of items I had been asked to look at.

4 Q And does that report list the items you were
5 asked to look at by number?

6 A By property number, yes, it does.

7 Q And does it itemize each one by a number in the
8 report?

9 A Yes, it does.

10 Q And are your conclusions in reference to the
11 itemized numbers in the report?

12 A Yes, they are.

13 Q And does the report accurately state your
14 conclusions as to each analysis that you made?

15 A Each analysis, and there is on the analysis of
16 items sixteen through eighteen, there is a correction
17 sheet that I put out. I had an omission on that
18 particular analysis report.

19 Q Now, besides the shirt that you analyzed for
20 blood, what sort of property did you analyze?

21 A I analyzed a pair of bluejeans, a raincoat,
22 liquor bottle, the body bag that the body was recovered
23 in. When the Medical Examiner's people recover a body
24 from a crime scene, they use a white plastic bag that has
25 a zipper on the front. They put the body in the bag

1 along with any of the contents of the surroundings,
2 especially on a person that has been buried. That was
3 brought to me for analysis, along with the victim's
4 clothing such as her panties, panty hose, her bra, her
5 blouse, her shirt, jacket, and a plastic ring that was a
6 hair ring that was in her hair.

7 Q When you analyze something, are you able to
8 determine whether or not a stain is semen?

9 A Yes.

10 Q Did you analyze any property for possible
11 semen?

12 A Yes.

13 Q What property did you analyze for possible
14 semen?

15 A Okay. The victim's clothing, the striped shirt
16 that I already mentioned which is item nine. Let me go
17 down the line. Her panty hose, her panties, her bra, her
18 jacket, her skirt, and the hair ring.

19 (Brief pause.)

20 (State's Exhibit No. 27(a)
21 was marked for purposes
22 of identification.)

23 BY MR. URICK:

24 Q I'm now going to show you what has been marked
25 for identification as State's Exhibit 27(a) and ask if

1 you can identify that?

2 A Yes, I can.

3 Q What is that?

4 A This is a report of mine dated 12/2/99, and
5 it's a result of a hair comparison that I did in this
6 particular case.

7 Q Was that the correction report that you
8 mentioned?

9 A No, the second page is. The second page is
10 dated 12/2/99 and -- no, that's not it either. That's my
11 fiber comparison. It should be 10/14/99.

12 THE COURT: For the record, the witness has
13 pulled a document from his pad. I don't know if it's the
14 same document that the State's Attorney has given him. I
15 would ask that it be shared with defense counsel.

16 (Brief pause.)

17 MS. GUTIERREZ: I will note I have seen this
18 before and it's not the same document. So I would ask
19 that it be marked.

20 THE COURT: It's not the same document?

21 MS. GUTIERREZ: It's not the same document.

22 THE COURT: That was handed to him?

23 MS. GUTIERREZ: That was just shown to him,
24 yes.

25 THE COURT: Very well.

1 MS. GUTIERREZ: Yes, but I have seen it, this
2 document.

3 THE COURT: Very well.

4 MR. URICK: Could you mark this as State's
5 Exhibit 27(b) for identification, please.

6 (State's Exhibit No. 27(b)
7 was marked for purposes
8 of identification.)

9 THE WITNESS: Okay. This is a report that I
10 wrote on October 14th, 1999. It states in my conclusion
11 that one of my conclusions on my initial report, I made
12 an omission and I neglected to include that I recovered
13 fibers from these items of clothing.

14 BY MR. URICK:

15 Q And 27(a) is what?

16 A 27(a) are two reports. One is a result of a
17 hair comparison and the second report is the results of
18 fiber comparisons that I made.

19 Q And that fiber analysis, was it based on the
20 recovery of fibers that you mention in 27(b)?

21 A Yes, it was the fibers that were recovered from
22 items sixteen through eighteen. I compared them to a
23 pair of gloves and a multi-colored tee-shirt.

24 Q And what, if anything, did you find out?

25 A The fibers did not match. They were different.

1 Q And the first page of that, where did the
2 property that you analyzed come from?

3 A Okay. The hair came from the victim's
4 clothing. I compared those to the victim's hair sample
5 and the hair sample recovered from Adnan Syed.

6 Q And what, if anything, did you determine
7 through that?

8 A None of the hairs that were not the victims and
9 not animal hairs that were left over that were suitable
10 for comparison matched all the physical characteristics
11 of Mr. Syed. None of them matched his hair exactly.

12 Q And when you refer to those hairs, how many are
13 you referring to?

14 A Two.

15 MR. URICK: I would offer at this time State's
16 Exhibits 27, 27(a) and 27(b).

17 THE COURT: Any objection?

18 MS. GUTIERREZ: No, Your Honor.

19 THE COURT: Let them be admitted.

20 (State's Exhibits Nos. 27,
21 27(a) and 27(b),
22 respectively, previously
23 marked for identification,
24 were received in
25 evidence.)

1 BY MR. URICK:

2 Q Okay. Now, when you were doing your hair
3 analysis, how many different hair samples did you start
4 with?

5 A Forty-five to fifty hairs.

6 Q And how did you weed those out?

7 A Okay. The first thing you do is you put them
8 under a microscope to look at them, and you look at their
9 characteristics. Then you look at your victims and
10 whoever you are comparing the hair to, to get a
11 reference, a frame of mind as to which kind of hairs you
12 are looking at. The next step is you pick all the hairs
13 out that are non-human, animal hairs. A large percentage
14 of the hairs that were looked at were animal hairs. So
15 we ruled those out. The victim's hair accounted for a
16 large part of the hairs recovered, and her hairs were
17 long, black, with some brown dye, and they were easy to
18 pick out from the remainder. Then the next step is to
19 pick out the fragments from intact hairs; fragments not
20 having a tip and a root, less than a complete hair. Then
21 you come down to the complete hairs which there were two
22 left, and I looked at those and looked at the
23 characteristics of the victim's hairs and it was not her
24 hairs. Then I looked at the characteristics of Mr.
25 Syed's hair, and they did not match all of his

1 characteristics or did not have all the characteristics.
2 So, therefore, it was not his hair that I could say with
3 any certainty.

4 The next step was to look at the hair and see
5 if they had been pulled out or not. The reason for that
6 is that if hair has been pulled out, you have what is
7 called a follicular tag. There is no board or I would
8 draw one. What happens, the hair is a follicle that
9 comes out of your skin and it's a projection of these
10 cells. They grow and they grow out. They have a life
11 cycle and your hair grows. It doesn't stay there
12 forever. Every three or four months they fall out.
13 Every day we are losing a hundred hairs or more. Well,
14 if hair is in their growing stage and in their mature
15 stage, they are in there pretty tight and the cells are
16 all attached. If you were to pull those out, you would
17 pull out some cellular material at the bottom of the
18 follicle, and that's important. If they are in their
19 last stage of life, they are just being held in there by
20 friction and they fall out. We are losing hairs at a
21 hundred hairs a day. So those hairs really don't mean a
22 lot except for a comparison to say, oh, yes, they look
23 like somebody's hairs.

24 Hairs forcefully removed that have that little
25 bit of tissue on the bottom of skin have DNA, and that's

1 very important because follicular tag allows you to say
2 with DNA testing whose hair they could be with some
3 degree of certainty. Comparison by looking is
4 nonspecific. My hair could look like a million other
5 people's hairs and there is no way of telling, you know,
6 my hair from any of those people. But if you have like
7 DNA on it, the hair, from pulling it out, then it becomes
8 very important and it becomes identifiable.

9 (Brief pause.)

10 (State's Exhibit No. 28
11 was marked for purposes
12 of identification.)

13 BY MR. URICK:

14 Q I would ask you to look at what has been marked
15 for identification as State's Exhibit 28.

16 A Okay.

17 Q Can you identify that?

18 A Yes, this is a report form that I filled out to
19 request DNA analysis from the Maryland State Police on
20 the blood samples that I had recovered from the shirt
21 that I showed the jury.

22 Q And what blood samples were those to be
23 compared with?

24 A To be compared with the victim, Hae Lee, Adnan
25 Syed, and Jay Wilds.

MR. URICK: I would offer at this time State's Exhibit 28, the chain-of-custody and request for DNA analysis form.

THE COURT: Any objection?

MS. GUTIERREZ: No objection.

THE COURT: Let it be admitted.

(State's Exhibit No. 28,
previously marked for
identification, was
received in evidence.)

BY MR. URICK:

Q At this time, I would like to show you what is already in evidence as State's Exhibit 5. I would like you to just examine that for a few moments.

(Brief pause.)

A Okay.

Q Can you identify that document?

A Yes, I can.

Q What is that?

A This is a fiber comparison report written by Daniel VanGelder. He is a Criminalist in the Trace Analysis Unit, the same as myself, and it's his results from a comparison of fibers --

MS. GUTIERREZ: Objection.

THE COURT: One moment.

1 MS. GUTIERREZ: I stipulated to the
2 admissibility of the document itself, not to this witness
3 being able to testify as to Mr. VanGelder's opinions.
4 THE COURT: The report is admitted.
5 MS. GUTIERREZ: Yes.
6 THE COURT: All right. There is no objection.
7 What is the exhibit number again, for the record?
8 MR. URICK: This is State's 5. It was already
9 in evidence.
10 THE COURT: All right. Is there some
11 conclusion that you are seeking to have this witness make
12 based on a review of that evidence, this particular
13 report?
14 MR. URICK: No. I was about ready to ask the
15 court's permission to publish the document by having the
16 witness explain what is being analyzed and then reading
17 the conclusions in the report.
18 MS. GUTIERREZ: Well, I'm going to object to
19 that. I think that the document speaks for itself.
20 That's what we stipulated.
21 THE COURT: Very well. May I see the document,
22 please?
23 (Document proffered.)
24 THE COURT: Thank you.
25 (Brief pause.)

1 THE COURT: Mr. Urick, your purpose is only for
2 this witness to read the contents of this report as
3 written?

4 MR. URICK: Yes.

5 THE COURT: In its entirety?

6 MR. URICK: I was just going to have him read
7 the conclusions of the report.

8 THE COURT: And are you going to ask him to
9 draw some other conclusion as a result of reading it?

10 MR. URICK: No.

11 THE COURT: All right. He may read it. The
12 item is in evidence. The objection is overruled. For
13 the record, what is being offered now as a stipulation is
14 an item of evidence. That report you will get in its
15 entirety. This witness is just being asked to read the
16 final paragraph which is titled "Conclusion". Then on
17 cross, Ms. Gutierrez, you may use that document and have
18 someone else read the rest of it if you would like --

19 MS. GUTIERREZ: Thank you, Your Honor.

20 THE COURT: -- or use it in any fashion you
21 would like. Sir, you may read the bottom paragraph where
22 it says "Conclusion".

23 THE WITNESS: Okay, Your Honor. "Conclusion.
24 A thorough search of the jacket and boots reveal no
25 fibers comparable to the victim's skirt fibers. The red

1 fiber found on the victim's body and the tuft of red
2 fibers found on the victim's blouse have not been
3 associated, each other, with the multi-colored tee-shirt
4 or with the weightlifting glove."

5 MR. URICK: If I may approach the witness again
6 at this time to gather the various exhibits now.

7 THE COURT: Yes, you may.

8 (Brief pause.)

9 MR. URICK: Witness with the defense at this
10 time.

11 CROSS-EXAMINATION

12 BY MS. GUTIERREZ:

13 Q Mr. Bianca, the items that you have discussed
14 with us were items that were submitted to you by someone
15 else from within the Police Department; were they not?

16 A Yes.

17 Q Okay. And that is ordinary; is it not?

18 A Yes.

19 Q You are asked to analyze items that are
20 submitted to you for you to use your expertise in
21 analyzing trace evidence; are you not?

22 A That's correct.

23 Q All right. And generally those items that are
24 submitted to you come from crime scenes, correct?

25 A That's correct.

1 Q And generally you are not the person that goes
2 out to the crime scene although once in a while you may;
3 is that correct?

4 A That is correct.

5 Q And there is nothing unusual about that,
6 correct?

7 A That is correct.

8 Q Now, in regard to the striped tee-shirt, you
9 were submitted that striped tee-shirt and asked to
10 analyze it to see if any evidence could be recovered from
11 its fibers, correct?

12 A No, not exactly that.

13 Q Well, sir, was that tee-shirt submitted to you
14 with a form from someone else in the Police Department?

15 A That is correct.

16 Q And were you made aware of the place, the
17 location of where the tee-shirt was recovered?

18 A Yes.

19 Q Were you made aware of the possible
20 significance of the tee-shirt?

21 A No.

22 Q Were you told what to look for?

23 A Not exactly.

24 Q And none of that is extraordinary; is it?

25 A That is correct.

1 Q All right. Now, once you got the tee-shirt,
2 you first examined it; did you not?
3 A That is correct.
4 Q All right. Now, sir, you wrote a report on
5 this tee-shirt?
6 A Yes.
7 MS. GUTIERREZ: Mr. Clerk, if I could have
8 those reports back, please. Thank you. I'm going to put
9 these here in case you need to look at them, Mr. Bianca.
10 BY MS. GUTIERREZ:
11 Q First of all, can you tell us the date you
12 examined the tee-shirt?
13 A Okay. I believe it's March 10th --
14 Q All right. Now, when you examined --
15 A -- 1999.
16 Q 1999, March the 10th. And, sir, when you
17 examined it, were you provided the name of a suspect?
18 A At that time, I don't believe so.
19 Q And that wouldn't have been out of the
20 ordinary; would it have?
21 A No.
22 Q All right. And you visually examined, as you
23 explained to us, the striped tee-shirt, correct?
24 A That is correct.
25 Q And you were made aware that it was found in a

1 1998 Nissan, not laid out, but bunched up, almost stuffed
2 in the crack of the front driver's seat, correct?

3 A No.

4 Q Were you made aware of any information as to
5 where it was recovered from?

6 A That it was recovered from the victim's
7 vehicle.

8 Q Okay. And were you made aware that it was, in
9 fact, recovered from the victim's vehicle driver's seat?

10 A That's the extent of the information that I
11 had.

12 Q Just that it was recovered from the victim's
13 vehicle; is that correct?

14 A That is correct.

15 Q And the first thing you did was look at the
16 stains that appeared to you to be blood; is that correct?

17 A Yes.

18 Q And you looked at stains that you thought were
19 blood that turned out, based on your presumptive test,
20 not to be blood, correct?

21 A That is correct.

22 Q Because often times stains on fabrics for a
23 variety of reasons may appear to the naked eye to be
24 blood when, in fact, they are not?

25 A That is correct.

1 Q And in order to determine if a stain, the
2 appearance of a stain is, in fact, human blood, you must
3 utilize a presumptive test; must you not?
4 A That is correct.
5 Q And that determines whether, in fact, the
6 substance is blood, correct?
7 A No.
8 Q Does it determine presumptively that the
9 substance is blood, yes or no?
10 A I can't answer that yes or no.
11 Q All right. Well, let me ask you another
12 question, Mr. Bianca. The test that you performed on
13 that shirt first clarified that some of the stains that
14 you were looking at were not, in fact, blood; did it not?
15 A That is correct.
16 A And that some of the stains that you looked at
17 were, in fact, blood and that they were presumptively
18 human blood as opposed to animal blood?
19 A That test doesn't do that.
20 Q Well, sir, you performed more than one test on
21 the shirt?
22 A Yes.
23 Q You ultimately determined in your expert
24 opinion, did you not, that the substance, some of the
25 substance that you looked at on that shirt was human

1 blood; did you not?

2 MR. URICK: Objection.

3 THE COURT: Overruled. You may answer the
4 question.

5 THE WITNESS: Yes.

6 BY MS. GUTIERREZ:

7 Q All right. Now, once you determined that some
8 of those, what appeared to be blood, was human blood, you
9 would then ordinarily try to determine if you could,
10 based on your expertise, if there was anything else in
11 that trace biological evidence that could give you any
12 further indication as to the substance itself to identify
13 it further; would you not?

14 A I would perform no more tests. I would select
15 the stain and freeze it.

16 Q And that is because, to determine anything
17 further, as you have defined for us, such DNA would
18 require expertise beyond your own, correct?

19 A That is correct.

20 Q All right. Now, after you looked at the things
21 that appeared to you to be blood and it turned out some
22 you were right on and some you were wrong on, you then
23 looked for other substances that might appear on the
24 shirt, correct?

25 A I don't -- when you ask it that way, I wasn't

1 or I looked --

2 Q Well, did you, in fact --

3 THE COURT: One moment. You may answer the
4 question.

5 THE WITNESS: I do not determine whether I was
6 right or wrong. All stains had the possibility of being
7 blood. Blood is not always red. Blood changes colors
8 from the red that we see to almost black. It goes
9 through a progression. It goes from red to brown to
10 black over a period of time, depending on the
11 environment, depending on where it has been, if it has
12 been in sunlight, if it's been in shade, if it's dried,
13 if it's moist. So any stain that I can see has the
14 potential of maybe being blood.

15 So we do a test. The first test, you are
16 right, is a presumptive test. It's not a right or wrong,
17 was I right or wrong, was I guessing. It doesn't work
18 that way. I test all the stains. If the test is
19 negative, that tells me that it is definitely not blood.
20 If the test is positive, and that's the presumption, it
21 tells you it could be blood but you need to go further.
22 And then the next test I do, I do an immunological test,
23 and that test tells me two things. If it is positive, it
24 tells me that it is blood, and not only that it's blood
25 but that it's human blood. Then if that test doesn't

1 work, that's it, unless I need to find out for sure if
2 that could be animal blood. If that's the case, there is
3 another test.

4 BY MS. GUTIERREZ:

5 Q Well, thank you, Mr. Bianca, but that really
6 didn't answer my question.

7 MR. URICK: Objection.

8 THE COURT: Well, Ms. Gutierrez --

9 BY MS. GUTIERREZ:

10 Q You test to --

11 THE COURT: One moment, Ms. Gutierrez. If the
12 answer does not answer your question, you may ask another
13 question.

14 MS. GUTIERREZ: I'm going to do so.

15 THE COURT: And I would ask that you do that.
16 The objection is sustained.

17 BY MS. GUTIERREZ:

18 Q Now, Mr. Bianca, the question I asked, the
19 answer to which I seek, is to determine when you were
20 given this striped shirt to examine, you viewed it
21 physically with your own eyes; did you not?

22 A Yes.

23 Q And you determined where on the shirt, if at
24 all, to test further to see if what might appear to be a
25 stain that may be blood was, in fact, blood or not; did

1 you not?

2 A (No response.)

3 Q Did you make that determination --

4 A Wait a minute, you lost me.

5 THE COURT: One moment, Ms. Gutierrez. You

6 have asked a question. Allow the witness to answer the

7 question.

8 THE WITNESS: When I tested the shirt with my

9 own eyes, the areas that I believed were significant, and

10 I got a positive preliminary test, I further tested those

11 to make a determination if, in fact, they were human

12 blood. Nobody told me where to go. I tested it myself.

13 BY MS. GUTIERREZ:

14 Q So once again, Mr. Bianca, thank you but that

15 doesn't answer my question.

16 MR. URICK: Objection.

17 THE COURT: Sustained.

18 BY MS. GUTIERREZ:

19 Q You determined, sir, what you were going to do

20 to that shirt; did you not?

21 THE COURT: Is there an objection?

22 MR. URICK: Objection.

23 THE COURT: Sustained.

24 BY MS. GUTIERREZ:

25 Q Did you determine what to do with that shirt,

1 sir, yourself?

2 MR. URICK: Objection.

3 THE COURT: Sustained.

4 BY MS. GUTIERREZ:

5 Q Did anyone request that you do anything

6 specific to that shirt in regard to blood?

7 THE COURT: The objection is sustained. The

8 question has been asked and answered twice. Counsel,

9 please move on.

10 BY MS. GUTIERREZ:

11 Q Mr. Bianca, when you determined to do either

12 your presumptive test or any other test, you did so based

13 on your belief that what your eyes showed you could

14 possibly be blood, correct?

15 MR. URICK: Objection.

16 THE COURT: Sustained.

17 BY MS. GUTIERREZ:

18 Q Mr. Bianca, when you tested the shirt, did your

19 presumptive or further testing reveal that your own

20 observations that something might be blood in fact turned

21 out not to be blood?

22 MR. URICK: Objection.

23 THE COURT: Overruled.

24 THE WITNESS: No. Everything that I tested

25 presumptively that was positive and I checked and

1 confirmed with a further test, those four stains that I
2 pointed out on this shirt were, in fact, human blood.

3 BY MS. GUTIERREZ:

4 Q So four of the stains that you tested
5 presumptively, you then went further on, correct?

6 A Four of the stains that I tested presumptively
7 that gave me a positive result, I went on and tested
8 further, and those four stains were, in fact, human
9 blood.

10 Q And the four stains, sir, were out of how many
11 stains that you initially tested?

12 A To give you an answer to that, I need to take
13 the shirt out and count all the holes.

14 Q Would you agree, sir, that you tested more
15 stains than the four, yes or no?

16 A I tested, yes, more than the four stains with
17 the presumptive test.

18 Q In fact, a lot more than four; isn't that
19 correct?

20 A I would have to count.

21 Q You don't need to get it out and count really,
22 do you?

23 THE COURT: One moment, Ms. Gutierrez. The
24 witness is asking that he count the stains, and he has
25 indicated that he needs to do that in order to answer

1 your question. The court is willing to have him do that
2 if you would like that answer.

3 MS. GUTIERREZ: I'm not going to waste the
4 time, Judge.

5 THE COURT: If not, move on.

6 MS. GUTIERREZ: I'll move on.

7 THE COURT: Very well. That's your option.

8 BY MS. GUTIERREZ:

9 Q Now, Mr. Bianca, once you tested the shirt
10 presumptively and/or otherwise, you then examined the
11 shirt to see if there was the presence of any other trace
12 evidence; did you not?

13 A Yes, I tested further.

14 Q I didn't ask you that, sir. I asked you if you
15 examined the shirt for any other trace evidence, sir?

16 MR. URICK: Objection.

17 THE COURT: Overruled. You may answer the
18 question.

19 THE WITNESS: I examined the shirt further.

20 BY MS. GUTIERREZ:

21 Q Now, sir, when you examined the shirt further,
22 you described for us your seeing what appeared to you to
23 be nasal mucous in the lower right hand front of the
24 shirt; did you not?

25 A That is correct.

1 Q And as to that nasal mucous, sir, did you
2 collect any other specimens or conduct any other tests?
3 A I looked at it under the microscope in place.
4 Q Bodily fluids, sir, what you have called
5 biological evidence, often contain factors biologically
6 that can establish identity; do they not?
7 A I do not know what you are referring to.
8 Q Well, sir, bodily fluids, you know what I am
9 referring to; do you not?
10 A Could you be specific about what you mean by
11 bodily fluids?
12 Q Well, sir, do you understand the term bodily
13 fluids?
14 A Yes, I do.
15 Q That's a term that you have used since you have
16 been on the stand; is it not?
17 A Yes.
18 Q And it's a term that you use in the use of your
19 expertise in examining biological trace evidence; is it
20 not?
21 A That is correct.
22 Q The mucous that comes out of the nose, is that
23 a bodily fluid or not?
24 A Yes, it is.
25 Q And, sir, the mucous that you believe the stain

1 on the shirt that you examined that you believe to be the
2 bodily fluid that came out as mucous from someone's nose,
3 did you submit that for further testing of any kind to
4 any source?

5 A No.

6 Q And, sir, did you conduct any other test on
7 that particular stain that appeared to you to be
8 consistent with the bodily fluid of nasal mucous?

9 A Correct.

10 Q No, sir, that requires --

11 A I'm just saying that's what you are referring
12 to, and the further test that I did was to look at it
13 with a microscope, and I looked at it and determined that
14 it was nasal mucous.

15 Q And, sir, having determined that it was nasal
16 mucous, did you submit that to either further testing by
17 yourself or by any other source to clarify the identity
18 of the source of that nasal mucous?

19 A No.

20 Q Okay. Now, sir, in regard to the seminal
21 fluid, you said that was one of the reasons that you
22 submitted the shirt to being viewed under the lasers; is
23 that correct?

24 A To examine it for the possible presence of
25 seminal fluid, that is correct.

1 Q And so you, I am sure, fully examined the
2 striped shirt; did you not?

3 A Yes.

4 Q Looking anywhere that seminal fluid may have
5 been deposited on that shirt, correct?

6 A That is correct.

7 Q From any source?

8 A I can't determine the source.

9 Q That's outside of your expertise; is it not?

10 A That is correct.

11 Q And under any conditions under which that
12 possible seminal fluid may have gotten on the shirt; is
13 that correct?

14 A That's something I have no control over.

15 Q So that's not your concern when you are making
16 that examination, correct?

17 A I'm looking for the presence.

18 Q All right. Now, when you were looking for, and
19 the lasers first lit up something, whether or not that's
20 the correct term, lit up, it showed you that something
21 might be; did it not?

22 A Some areas fluoresced.

23 Q Okay. By fluoresced, you mean like the
24 fluorescent quality of what the laser produces on the
25 shirt; do you not?

1 A If I can have a minute, I can explain
2 fluorescence and how it works.

3 Q Sir, did you not understand my question?

4 A Yes.

5 Q Okay. Let me ask you another one then, sir.

6 THE COURT: One moment. She asked you a
7 question. Can you answer her question yes or no? I know
8 you would like to explain, but her question doesn't allow
9 for an explanation.

10 THE WITNESS: That's correct. And the way it
11 was posed is not scientifically accurate.

12 THE COURT: Well, then you have to say that you
13 cannot answer the question.

14 THE WITNESS: I'm sorry. I can't answer the
15 question.

16 THE COURT: Or if you will rephrase the
17 question, I can answer it, or I'm not sure that I know
18 what you are talking about. Anyway, you need to answer
19 her question as posed.

20 THE WITNESS: I understand, Your Honor.

21 THE COURT: Very well. You may continue.

22 BY MS. GUTIERREZ:

23 Q So, Mr. Bianca, let me understand. You can't
24 answer the question that I posed; is that correct?

25 A I don't remember the question now.

1 Q All right. Mr. Bianca, you subjected the shirt
2 to the lasers. Are you with me so far?
3 A Yes.
4 Q And you got a reaction and you have used the
5 term that it fluoresced; is that correct?
6 A That is correct.
7 Q And that fluorescing, the fact that it
8 fluoresced, demonstrated to you that there might be
9 seminal fluid there; did it not?
10 A That is correct.
11 Q And then you had to go conduct another test,
12 right?
13 A That is correct.
14 Q And the other test that you conducted said to
15 you, no, there is no seminal fluid on this shirt, right?
16 A Correct.
17 Q Deposited by any source, right?
18 A Correct.
19 Q Deposited under any circumstances, right?
20 A All I can tell you is whether it was there or
21 not.
22 Q All right. And you told us when you looked,
23 notwithstanding the fluorescence, that it wasn't there,
24 correct?
25 MR. URICK: Objection.

1 THE COURT: Sustained.
2 BY MS. GUTIERREZ:
3 Q Well, sir, the various reports you made, which
4 are sitting in front of you, the first report that you,
5 yourself, made is dated on August 31st, 1999; is it not?
6 A That is correct.
7 Q And that is State's Exhibit 27; is it not?
8 A Yes, it is.
9 Q That's the first trace analysis in this case;
10 is it not?
11 A That's the first one that I wrote.
12 Q Okay. And the second one that you wrote is
13 dated on 10/14/1999; is it not?
14 A Yes, it is.
15 Q That's your signature on that; is it not?
16 A Yes, it is.
17 Q And as you have already told us, the 10/14,
18 that means that it was done a month and a half after the
19 first one, and was to correct what you called an omission
20 in the first one; isn't that correct?
21 A That is correct.
22 Q The same item numbers listed under the same
23 property numbers are the same as to both your first
24 report and your second report; isn't that correct?
25 A That is correct.

1 Q And the purpose of the 10/14 analysis is to
2 correct the omission in regard to items sixteen to
3 eighteen; is that correct?

4 A That is correct.

5 Q And items sixteen to eighteen were items that
6 were recovered from the victim's body in this case back
7 on or about February 9th or 10th, 1999; is that correct?

8 A Not the 9th, the 10th.

9 Q The 10th of February?

10 A No, no, no, March. That was March 10th.

11 Q So it is your understanding that the clothing
12 and the items from the victim were recovered on March
13 10th, 1999, correct?

14 A No, that March 10th, 1999 was when I started my
15 analysis in this case.

16 Q Okay. And your report, sir, is dated August
17 31st, 1999, correct?

18 A That is correct.

19 Q And my only question, sir, is when were the
20 items numbered sixteen through eighteen, the same items
21 that are the subject of the October 14 report, recovered
22 from the victim's body, if you know?

23 A The numbers that are reflected on the report,
24 8/31/1999, State's Exhibit 27, that's when I assigned
25 those numbers.

1 Q That's when you assigned those numbers,
2 correct?

3 A Correct.

4 Q So those numbers are the numbers that you have
5 identified, items that are related to the victim's body,
6 whatever time they were recovered, correct?

7 A That's correct.

8 Q You didn't collect them from her body; did you?

9 A No.

10 Q They were submitted to you after they were
11 collected; were they not?

12 A That is correct.

13 Q And they were then submitted to you in due
14 course on a regular form, correct?

15 A That is correct.

16 Q All right. And, sir, when you analyzed those
17 and reported them on August 31st, you omitted the
18 information that, in fact, on her body fibers were
19 recovered from the garments that were on her body and
20 collected and removed by someone other than you prior to
21 their submission to you; is that correct?

22 A No.

23 Q Well, sir, on August the 31st, 1999, did you
24 indicate in regard to items sixteen through eighteen as
25 to whether or not fibers transferred were negative or

1 positive in regard to their recovery? Did you so
2 indicate, yes or no?

3 A I indicated that on the report dated 8/31/99
4 and that was in error.

5 Q Sir, my question is, did you indicate it on
6 your report, yes or no?

7 A Yes.

8 Q And what you indicted on August the 31st is
9 that it was negative for transferred fibers as to items
10 sixteen and eighteen; isn't that correct?

11 A That is correct.

12 Q And on October the 14th, '99, you indicated
13 that, in fact, fibers of various colors were recovered
14 from the garments numbered sixteen to eighteen; isn't
15 that correct?

16 A That is correct.

17 Q And, sir, would you agree in analyzing -- you
18 were aware, sir, that the body from which these garments
19 had been recovered had been interred subsequent to its
20 death; were you not?

21 A I was.

22 Q And your being so aware, there was nothing
23 unusual about that, was there, your being made known that
24 information?

25 A I was looking at the clothing to see if there

1 was anything on it.

2 Q Sir, my question is, there wasn't anything
3 unusual about your being told that the body had been
4 interred; was there?

5 A It's not unusual.

6 Q All right. And having known that information,
7 looking at the garments of a body that had been interred,
8 partially covered after death, any evidence that could be
9 recovered from that which was closest to the body when it
10 was disinterred would have special significance; would it
11 not?

12 A That would depend on the case.

13 Q Well, sir, you understand that it could
14 possibly have special significance; do you not?

15 MR. URICK: Objection.

16 THE COURT: Overruled. Did you, yes or no?

17 THE WITNESS: It could.

18 THE COURT: Very well. Next question.

19 BY MS. GUTIERREZ:

20 Q In addition to fibers, things that are also
21 trace evidence that are biological as opposed to non-
22 biological, substances such as hair could also likely
23 have great significance; could they not?

24 A They could.

25 Q Particularly if there is hair recovered on the

1 clothing or the body of an interred person who
2 subsequently was disinterred, when those hairs do not
3 belong to that body, would also likely have great
4 significance; would they not?

5 A They could.

6 Q And you understood that when you recovered
7 them; did you not, sir?

8 A Yes.

9 Q Now, sir, in regard to the hair, you didn't
10 collect the hair, correct?

11 A From the clothing?

12 Q Any of the hair.

13 A Yes, I collected the hair.

14 Q Did you collect any of the forty-five to fifty
15 samples that were submitted to you that you then
16 analyzed?

17 A I collected all of those.

18 Q Okay. And did you collect them directly from
19 the clothing listed in items sixteen to eighteen that was
20 the clothing of the victim submitted to you through a
21 chain-of-custody that came directly from the Medical
22 Examiner's office that took the clothing off of the dead
23 body?

24 A Yes, I analyzed that.

25 Q No, sir, my question is, is where you collected

1 the hairs from, did they come from your examination of
2 the clothing of the body that you were told had been
3 interred and disinterred as forwarded through the chain-
4 of-custody from the Medical Examiner's office that took
5 off the clothing?

6 A That is correct.

7 Q You were aware, sir, that great care was taken
8 to disinter this body; were you not?

9 A That is something that I have no knowledge of.

10 Q Well, sir, would it make a difference to you to
11 learn that great care was taken in disinterring this body
12 to ensure that all available evidence that might appear
13 closest to that body on her clothing, on her skin, on the
14 soil that had interred her, had been taken to recover
15 very carefully by experts? Would you be surprised to
16 learn that?

17 A No.

18 Q Not in your expertise as a trace evidence
19 analyst, correct?

20 A Correct.

21 Q You would want the most care taken; would you
22 not?

23 A Exactly.

24 Q Because trace evidence can oftentimes tell all
25 of us many things about what happened to a body that is

1 found; can it not?

2 A It can.

3 Q And that's the whole purpose for your
4 examination in cases such as this; is it not?

5 A That is correct.

6 Q All right. Now, sir, the forty-five to fifty
7 hair samples, were they all collected from one of those
8 items of clothing that had been removed from this body by
9 someone in the Medical Examiner's office?

10 A Could you repeat the question, please?

11 Q You said that you examined forty-five to fifty
12 samples, correct?

13 A Correct.

14 Q And that you, yourself, removed those forty-
15 five to fifty samples yourself from items sixteen to
16 eighteen, the articles of clothing identified to you as
17 belonging to the victim, Hae Min Lee, correct?

18 A Correct.

19 Q And, sir, did you, yourself -- every single one
20 of the forty-five to fifty hairs that you examined came
21 from one of those articles of clothing, correct?

22 A They came from all of those items. There were
23 some from each.

24 Q Some from each. And, sir, you said that Ms.
25 Lee's hair, you could tell what it was; could you not?

1 You could tell what Ms. Lee's hair was, correct?

2 A That is correct.

3 Q And her hair was fairly readily identifiable;

4 was it not?

5 A Correct.

6 Q Because of both its length and the presence of

7 what appeared to be brown dye on black hair?

8 A That is correct.

9 Q Okay. And so, sir, is it fair to say that it

10 was a simple process out of that forty-five to fifty

11 hairs to easily take out all the hairs that appeared

12 readily to match Hae Min Lee?

13 A That is correct.

14 Q Now, you understood that the presence of the

15 victim's own hair on any of her own clothing would not be

16 unusual; would it?

17 A That is correct.

18 Q No matter where it appeared on her clothing,

19 correct?

20 A No matter where?

21 Q Yes, sir. It would not be unusual for a

22 victim's hair to appear on the outside of her clothing;

23 would it?

24 A No.

25 Q It wouldn't be unusual for a person's own hair

1 to appear on the inside of their clothing; would it?
2 A No, it wouldn't.
3 Q And it would not be questionable as to how it
4 got there; would it?
5 A No.
6 Q Not under ordinary circumstances, correct?
7 A Correct.
8 Q And so you were able to easily distinguish
9 those hairs and remove them from the forty-five to fifty
10 hairs that you had, correct?
11 A Correct.
12 Q How many of the forty-five to fifty belonged to
13 Hae Min Lee?
14 A The majority of the hairs.
15 Q And by a majority, if it was forty-five, that
16 would be twenty-three plus hairs?
17 A I don't have an exact count.
18 Q And, sir, did you keep an exact count anywhere?
19 A No.
20 Q And did you photograph the hairs?
21 A No.
22 Q Did you separate out the hairs and put them in
23 some other container to keep all the like hairs together?
24 A Yes, I did.
25 Q All right. And, sir, is there anywhere in your

1 report where you notated how many of those hairs belonged
2 to Hae Min Lee?

3 A No.

4 Q All right. Now, in regard further to the
5 hairs, once you determined that a majority of them
6 belonged to Hae Min Lee, how many in total other hairs
7 did you determine were subject to being analyzed or
8 compared?

9 A Approximately two.

10 Q Now, when you say approximately two, could that
11 be one?

12 A No, it was two.

13 Q So it was exactly two, sir?

14 A Two hairs that were complete, that is correct.

15 Q Exactly two hairs that were complete, sir?

16 A Two.

17 Q Not more than two?

18 A Two.

19 Q So it is your testimony and your expert
20 opinion, sir, that out of the forty-five to fifty,
21 whether it was forty-five or fifty, minus the majority of
22 hairs that you separated out, whatever number that might
23 be, that there were only two possible hairs that were not
24 Hae Min Lee's that were capable of being compared to see
25 if they belonged to someone else?

1 A That is correct.

2 Q And that there were no other hairs in the group
3 of forty-five to fifty, minus the majority, whatever
4 number that may be, that belonged to Hae Min Lee that
5 were suitable for comparison?

6 A A large portion of the remaining hairs were
7 animal hairs and they were not suitable.

8 Q All right. Well, obviously the animal hairs
9 weren't suitable for comparison to human hair, correct?

10 A That is correct.

11 Q My question, however, still stands. Is it your
12 testimony that only two out of the total number, whether
13 it be forty-five or fifty, of the number of hairs that
14 you, yourself, recovered and identified for any reason,
15 that you excluded them notwithstanding whether they be
16 human or animal or they be Hae Min Lee's hair, that only
17 two remained that were suitable for comparison to anyone
18 else who is human?

19 A Correct.

20 Q Okay. Now, you had two hairs and you were
21 asked to compare the hairs with a sample head hair that
22 had come from Adnan Syed; is that correct?

23 A That is correct.

24 Q And you, sir, were aware when samples are
25 collected from a suspect, that that includes both cutting

1 the hair and pulling it; are you not?

2 A Cutting the hair is not part of the procedure.

3 Q Okay. So that all the head hairs identified as

4 Adnan Syed's were pulled hairs; were they not?

5 A That's correct.

6 Q And some of them had that bulb that comes out

7 from underneath the skin; does it not?

8 A Correct.

9 Q And that bulb would have contained DNA that

10 would be subject to further analysis; would it not?

11 A That is correct.

12 Q But that didn't become necessary because you

13 could look at the head hair that had been pulled from his

14 head to compare the two hairs collected from the source

15 closest to her body that were not her own and know that

16 they did not belong to this man; could you not?

17 A I can say they didn't have the characteristics

18 that matched all his characteristics.

19 Q And, sir, because that's what you could see,

20 that's why you said you didn't submit any of those hairs

21 for further comparison with any of the hairs pulled out

22 of his head, correct?

23 A No.

24 Q Okay. Now, sir, you did submit, as you have

25 told us, the shirt for further DNA analysis, correct?

1 A Blood stains removed from the shirt, yes.

2 Q So you did submit. So the answer to my

3 question then, sir, is yes, you did submit it?

4 MR. URICK: Objection.

5 THE COURT: Sustained.

6 BY MS. GUTIERREZ:

7 Q Now, sir, were you asked at any time -- oh,

8 incidentally, when you state your opinion that none of

9 the head hairs matched in your expert opinion any of the

10 submitted head hairs of Adnan Syed, the date of that

11 report, sir, is December 2nd, 1999; is it not?

12 A That is correct.

13 THE COURT: Ms. Gutierrez and Mr. Urick, if you

14 would all come up to the bench for one moment before we

15 go any further.

16 MS. GUTIERREZ: Do you need Mr. Syed?

17 THE COURT: Yes.

18 (Counsel and the defendant approached the bench

19 and the following ensued:)

20 THE COURT: This is sua sponte on the court's

21 own, that in an abundance of caution, in light of the

22 line of questioning, I'm concerned that your questions

23 may elicit a response from this witness like, well, as a

24 result of the last trial or before the last trial.

25 MS. GUTIERREZ: Well, no, just so the court

1 knows, I don't --

2 THE COURT: I don't know the answer to the
3 question, but, if you know, when did the last trial
4 start?

5 MS. GUTIERREZ: After the 2nd of December.

6 THE COURT: Okay.

7 MS. GUTIERREZ: It started technically on the
8 3rd but it didn't actually get started until --

9 THE COURT: Okay. And so his answer about why
10 he did it in December is going to be because in
11 anticipation of the trial, he was instructed to do
12 something.

13 MR. URICK: I think that's what he would
14 respond, that that was the target, that they were getting
15 the reports ready for the trial date.

16 THE COURT: And so my concern is then
17 warranted, that the witness not be asked a question that
18 would trigger that answer, and I'm not suggesting, Ms.
19 Gutierrez, that you --

20 MS. GUTIERREZ: I didn't intend to.

21 THE COURT: I know, yes, that you weren't
22 intending to.

23 MS. GUTIERREZ: But I do see it now, yes.

24 THE COURT: Okay. But in an abundance of
25 caution, I could see that potentially he could respond in

1 a way that would not be very helpful at this stage. So I
2 would ask that with regard to your next few questions
3 that you be very specific so that he is not given a lot
4 of latitude.

5 MS. GUTIERREZ: Okay.

6 THE COURT: All right. Thank you very much.

7 MS. GUTIERREZ: Thank you, Judge.

8 (Counsel and the defendant returned to the
9 trial tables and the following ensued:)

10 THE COURT: Ladies and gentlemen, we have been
11 sitting for a while this afternoon. By a show of hands,
12 is there anyone that would like to take a break at this
13 time?

14 THE JURY: (Indicating.)

15 THE COURT: Okay. Why don't we do that and
16 allow you to stretch your legs, and then we will come
17 back and conclude the testimony of this witness. Mr.
18 White, if you would take the jury around.

19 THE CLERK: Okay.

20 THE COURT: Ladies and gentlemen, during this
21 break do not discuss the testimony that you have heard.
22 Do not share your notes because you are going to leave
23 those face down on your chairs. We will allow you to
24 stretch your legs and use the facilities, and then you
25 will be brought back.

1 So please go with Mr. White, the courtroom
2 clerk, at this time.

3 Now, as the jury files out, if the witness
4 would like to take a break and stretch his legs, you are
5 welcome to do that. You may not discuss your testimony
6 with either counsel during this break. You are still on
7 the witness stand.

8 THE WITNESS: Thank you.

9 (The jury was excused from the courtroom.)

10 THE COURT: And for the benefit of the
11 stenographer and Mr. White, if he can hear me, you are
12 welcome to take a break and stretch your legs as well.
13 Counsel, feel free to do that also. Okay. Ten minutes
14 max. I don't expect us to be moving around more than ten
15 minutes.

16 MR. URICK: How late does the court anticipate
17 going today?

18 THE COURT: I think I said 5:00 today.

19 MR. URICK: Okay.

20 THE COURT: Tomorrow, we have to finish by 4:30
21 or twenty-five of 5:00.

22 MR. URICK: We are going to start at 2:00?

23 MS. GUTIERREZ: Tomorrow, what time do we
24 start?

25 THE COURT: We are going to start after I

1 finish my morning docket. It's my collateral day but I'm
2 going to work tomorrow.

3 MS. GUTIERREZ: Okay.

4 THE COURT: Normally on a collateral day, the
5 court does not work, but I am going to work. I'm going
6 to do my dispositions, which I have four, and the VOPs.

7 MR. URICK: I think you have five. I have one
8 that somehow --

9 THE COURT: Is on my docket?

10 MR. URICK: The plea was taken in here and it
11 should have been but somehow they recorded it as being on
12 Part 23's docket, which is incorrect.

13 THE COURT: So that is also coming over here?

14 MR. URICK: Yes. I will have to get the court
15 file and bring it over here.

16 THE COURT: All right. Well, then that will be
17 five and then two violations of probation. So I am
18 suggesting that we have the jury back at 1:30.

19 MS. GUTIERREZ: Okay.

20 THE COURT: Rather than have them sit for all
21 that time. So then we will start the case somewhere
22 between 1:30 and say 2:00.

23 MS. GUTIERREZ: Okay.

24 THE COURT: Allowing my staff to have a break.
25 Okay?

1 MS. GUTIERREZ: Okay.

2 THE COURT: And then I can go through the rest
3 of the week with you.

4 MS. GUTIERREZ: Yes, I would appreciate that,
5 Judge.

6 THE COURT: Wednesday, tomorrow, we will finish
7 at 4:30, a quarter to 5:00, no later, and then Thursday
8 we will work until 5:00 or 5:30, and then Friday we can
9 work until 5:00.

10 MS. GUTIERREZ: Okay. That's fine. And will
11 the court be taking its regular lunch between 12:30 and
12 2:00?

13 THE COURT: Yes. On Thursday, there is a bench
14 meeting at 12:45.

15 MS. GUTIERREZ: Okay. That helps. I do have
16 to have a series of telephone conferences with death
17 penalty lawyers in Puerto Rico.

18 THE COURT: That will be fine.

19 MS. GUTIERREZ: So I will set them all up for
20 like 1:00.

21 THE COURT: 1:00 would be a good time to set
22 them for the entire week, I would say. Actually,
23 tomorrow I have a bench education program at 12:45, so I
24 don't think I'm supposed to have lunch tomorrow either.

25 MS. GUTIERREZ: Didn't you get lunch today?

1 THE COURT: Yes, actually I did because the
2 meeting was cancelled. I think I'm going to start
3 bringing my lunch. That might help. In any event, I'm
4 going to take a ten minute recess and allow the
5 stenographer to take a break and counsel as well, and we
6 will be back in ten minutes.

7 THE CLERK: All rise. This court will take a
8 ten minute recess.

9 (Brief recess.)

10 -o0o-

11 (Jury present upon reconvening.)

12 THE CLERK: All rise. This court resumes in
13 session.

14 THE COURT: Thank you.. You may be seated.
15 Ms. Gutierrez, you may continue at your
16 leisure.

17 MS. GUTIERREZ: Thank you, Your Honor.

18 CROSS-EXAMINATION (Continuing)

19 BY MS. GUTIERREZ:

20 Q Mr. Bianca, let's finish with the hair. The
21 two remaining hairs, after you took out for Hae Min Lee's
22 hair, after you took out any hairs that you thought to be
23 animal hairs or determined to be animal hairs, you said
24 there were two hairs left that were suitable for
25 comparison, correct?

1 A That is correct.

2 Q And that those two hairs you compared with the
3 known samples from Adnan and found that in your expert
4 opinion they didn't match?

5 A They didn't have all the physical
6 characteristics that were in his range of characteristics
7 for his hair, yes.

8 Q So would it be fair to say that your opinion
9 indicated that those two hairs did not belong to Adnan
10 Syed?

11 A I could not determine that they came from Adnan
12 Syed.

13 Q Okay. And so those two hairs, sir, we are sure
14 did not fit into the pile that were animal hairs, right?

15 A That is correct.

16 Q So their being animal hairs wouldn't account
17 for the fact that they didn't have sufficient
18 characteristics, right?

19 A That is correct.

20 Q From your examination, it is likely that those
21 two hairs could be compared to other hairs; could they
22 not?

23 A That is correct.

24 Q Your examination and comparison of them did not
25 destroy the hairs, correct?

1 A That is correct.

2 Q And you did not try to further compare those
3 hairs with any other submissions; did you?

4 A That is correct.

5 Q All right. Now, sir, in regard to other
6 evidence, Mr. VanGelder is also from the Trace Analysis
7 Unit?

8 A That is correct.

9 Q He is your colleague, correct?

10 A Correct.

11 Q And he is the author of State's Exhibit 5 in
12 evidence that you have been asked to review and look at
13 and which you read the conclusions; is that correct?

14 A That is correct.

15 Q And on the first page of his report, State's
16 Exhibit 5, it lists all the things that he compared; did
17 it not?

18 A Correct.

19 Q And among the things that he compared, he
20 compared a red fiber found near the head related to the
21 crime scene that had been submitted to him, correct?

22 A Could I see the report?

23 Q Sure. It's the first one on the list.

24 A Okay.

25 Q So is that correct?

1 A That is correct.

2 Q And he also compared another fiber that was
3 found, according to his report, underneath the body in
4 soil with crime scene next to that in quotation marks?

5 A That is correct.

6 Q And he attempted to compare those two fibers
7 with other fibers and other things submitted to him; did
8 he not?

9 A That is correct.

10 Q He also was submitted some of the items that
11 belonged to the victim that had been removed from her
12 body post-disinterment; did he not?

13 A Yes.

14 Q Among them was her black skirt?

15 A Correct.

16 Q And her light blue ribbed blouse?

17 A Correct.

18 Q And her white jacket with the words "Banana
19 Republic" on it?

20 A Correct.

21 Q And he also was submitted for comparison
22 purposes several pair of boots, one pair marked
23 Timberland boots that came from a second floor bedroom,
24 correct?

25 A Correct.

1 Q And also a pair of tan suede boots marked
2 Ramrod that came from the basement water heater room,
3 correct?
4 A Correct.
5 Q And that those boots were alleged, according to
6 his notations, to contain soil in the soles; is that
7 correct?
8 A That is correct.
9 Q And based on information you got, those two
10 items, both pair of boots were alleged to belong to the
11 suspect identified as Adnan Syed?
12 A Correct.
13 Q And were taken pursuant to a search warrant and
14 seizures based on that search warrant of Adnan Syed's
15 bedroom and basement where he resided with his family?
16 A I do not have direct knowledge of that.
17 Q Okay. They are identified as belonging to him;
18 are they not?
19 A Yes.
20 Q And, in addition, Mr. VanGelder was asked to
21 analyze a blue jacket with olive lining, with the words
22 "Columbia" on it, that is listed as the suspect's coat;
23 is it not?
24 A Correct.
25 Q And that Mr. VanGelder attempted before

1 arriving at his conclusions contained in his report,
2 which is in evidence as State's Exhibit 5, that he
3 attempted to match anything from any of those items
4 together with any other item that was submitted to him;
5 did he not?

6 A Correct.

7 Q And that in regard to the jacket and the boots,
8 there were no fibers relevant to any fiber that may have
9 come from the victim's clothing?

10 A That is correct.

11 Q And that, in addition, there was nothing of
12 evidentiary value noted by Mr. VanGelder in regard to his
13 thorough examination of Mr. Syed's coat?

14 A Correct.

15 Q And he reported all those findings either by
16 stating them or by their omission in his report?

17 A I can only say what he has written in his
18 report.

19 Q And in his report, in his conclusion, he finds
20 that there were no fibers comparable to the jacket and
21 boots, correct?

22 A Wait a minute.

23 Q Isn't that the first sentence that you read,
24 Mr. Bianca?

25 A "A thorough search of the jacket and boots

1 revealed no fibers comparable to the victim's skirt
2 fibers."

3 Q The answer to my question is yes?

4 A Well, he says skirt fibers.

5 Q Well, sir, my question was, he found no
6 comparison between the items related to Adnan Syed and
7 anything else; isn't that correct?

8 A What he says is skirt fibers.

9 Q Well, sir, is there anything under conclusion
10 that relates to any finding as to any evidence recovered
11 from either the boots associated with Mr. Syed and coming
12 from his home, and his bedroom, or his jacket, relative
13 to any piece of property or item submitted as related to
14 coming from the victim or from the grave; is there?

15 A No.

16 Q No. And there is nothing else under the
17 conclusion that would indicate that anything itself was
18 observed by him, correct?

19 A There are no other comments.

20 Q No other comments. And, sir, the laboratory
21 report of Mr. VanGelder, like your laboratory reports,
22 are submitted on forms; are they not?

23 A The lab request, yes.

24 Q And it's the same form everybody uses to report
25 their conclusions; is it not?

1 A Wait a minute. Which form are you talking
2 about?

3 Q Well, sir, I'm talking about --

4 A I thought you were mentioning request forms.

5 Q No, sir, I'm talking about your reports.

6 A Oh, our reports we write on a computer.

7 Q Okay. But they are printed out on a form; are
8 they not?

9 A No, they are printed out on blank paper that
10 comes off the printer at the end of the computer.

11 Q Thank you, sir. Does the top of your report on
12 10/14 state that it's a Baltimore Police Department
13 laboratory report?

14 A Yes.

15 Q And does it have at the top of that lab report
16 some places defined by lines to indicate to who and from
17 and what reference it is in relation to?

18 A Correct.

19 Q And Mr. VanGelder, your co-worker from your
20 same unit, does his report appear with the notation
21 "Police Department, Baltimore, Maryland, Laboratory
22 Report" at that top?

23 A Yes.

24 Q Just like it appears at the top of your report?

25 A Yes.

1 Q And does Mr. VanGelder's report have the same
2 lined out notations to indicate to, from, and reference
3 numbers?

4 A Yes.

5 Q Okay. Now, there is nothing unusual about the
6 form of Mr. VanGelder's report; is there?

7 A No.

8 Q Mr. VanGelder's report also relates to
9 specifically as to how it characterized that soil was
10 suspected to be in the soles of the boots related to
11 Adnan Syed; is that correct?

12 A Correct.

13 Q And, sir, you were made aware that the body of
14 this victim was disinterred from a shallow grave, and on
15 top of the body though is soil and leaves, back on
16 February 9th, 1999?

17 A Correct.

18 Q And does Mr. VanGelder's report indicate
19 whether or not he subjected soil to any type of analysis
20 or comparison at all?

21 A In this report, it is a fiber examination.

22 Q So is the answer to my question, sir, yes or
23 no?

24 A There is nothing in this report that says
25 anything about a soil comparison.

1 Q Okay. Now, sir, in regard to the jacket and
2 other items of clothing, it indicates that in addition to
3 visual analysis, that they were subjected to further
4 scientific analysis; were they not?

5 A Correct.

6 Q By a stereo microscopy?

7 A Correct.

8 Q Am I saying that right?

9 A That's correct.

10 Q Okay. And a polarized light microscopy?

11 A That's correct.

12 Q Those are not exactly items that most of us lay
13 persons would have lying around; would we?

14 A No.

15 Q They provide additional ability than one's own
16 powers of observation from the naked eye; do they not?

17 A That is correct.

18 Q They enhance the ability to see and
19 subsequently analyze possible trace evidence from what
20 one examines, correct?

21 A Correct.

22 Q And Mr. Adnan Syed's jacket was subjected to
23 that further analysis; was it not?

24 A That's correct.

25 A Sir, from your unit, the Trace Analysis Unit,

1 are you aware of whether or not soil was compared by
2 anyone in your unit that was submitted to your unit for
3 analysis?

4 A Yes.

5 Q And, sir, are you not aware that there is not a
6 single report that compares any soil taken from any item
7 of property, whether it be clothing, or from the car,
8 that is alleged to be a match after any comparison by the
9 naked eye or an enhanced comparison with any soil
10 submitted to anyone in your unit?

11 A I know from my conversation with Daniel
12 VanGelder that he did conduct soil examination and
13 comparisons.

14 Q Sir, are you --

15 A And I am not aware of his report and his
16 findings.

17 Q So, sir, you are aware that, in fact, there was
18 analysis of soil, correct?

19 A Yes.

20 Q And soil as obtained from around and near the
21 grave site of the body that was recovered on February
22 9th?

23 A From my coversation with Daniel VanGelder, I am
24 aware that he did soil examinations and comparisons --

25 Q Thank you.

1 A -- the results of which I do not know.

2 Q Now, finishing with the shirt, the tee-shirt
3 that was submitted, you have identified, and it has now
4 been marked in evidence as State's Exhibit 21, that was a
5 request for a laboratory examination filled out by you;
6 isn't that correct?

7 A That is correct.

8 Q And it is directed to the Maryland Department
9 of State Police; is that correct?

10 A That is correct.

11 Q And the letters MSP refers to Maryland State
12 Police; does it not?

13 A That is correct.

14 Q You filled out this report, did you not?

15 A That is correct.

16 Q And in the report, it indicates the date of the
17 offense that you filled out, correct?

18 A Date of offense, yes.

19 Q All right. And the date of offense that you
20 filled out was 2/9/99, correct?

21 A That is correct.

22 Q That is not the date that you filled out this
23 form, however; is it?

24 A That is correct.

25 Q On the bottom of the form, it indicates you

1 have another line in which you signed, correct; did you
2 not?

3 A That is correct.

4 Q That's essentially a chain-of-custody log of
5 who has that evidence at any given time; is it not?

6 A That is correct.

7 Q And it indicates on 9/24, September 24th, 1999,
8 that you had that evidence and you logged it in; is that
9 correct?

10 A No, that indicates -- that's the date that I
11 took the evidence, when I took it to the Maryland State
12 Police for analysis.

13 Q Okay. So your request either was dated on
14 9/24, which doesn't appear on the form, or some day
15 earlier, correct?

16 A No, it was that day.

17 Q On that day. And so you took the evidence from
18 the Baltimore City Police Department, correct?

19 A Correct.

20 Q And you then took it out to the MSP, the
21 Maryland State Police; is that correct?

22 A That is correct.

23 Q And it was logged in the same day by a
24 representative from the Maryland State Police Biology
25 Unit, Melissa Stangroom?

1 A Correct.

2 Q Okay. And you did that; did you not?

3 A That is correct.

4 Q And what you took out was the blood sample from

5 Hae Min Lee, correct?

6 A Correct.

7 Q A blood sample from Adnan Syed, correct?

8 A Correct.

9 Q A blood sample from Jay Wilds, correct?

10 A Correct.

11 Q And a blood sample from this shirt, correct?

12 A That is correct.

13 Q And the shirt sample you had actually collected

14 and preserved; did you not?

15 A That is correct.

16 Q As part of your expertise, correct?

17 A Uh-huh.

18 Q Is that a yes?

19 A Yes.

20 Q And on the form, sir, it has a place to list

21 the suspects; does it not?

22 A That is a form that has a space that says

23 victim and another space that says suspect.

24 Q Well, sir --

25 A There is no in between. It's either victim or

1 suspect.

2 Q Well, under the space that is listed with the
3 word suspect, you listed two names; did you not?

4 A That is correct.

5 Q And the two names you listed, the first was
6 Adnan Syed, correct?

7 A Correct.

8 Q And the second name you listed was Jay Wilds,
9 W-I-L-D-S, correct?

10 A Correct.

11 Q Now, to your knowledge, Mr. Wilds wasn't a
12 victim; was he?

13 A To my knowledge, he was not a victim.

14 Q And, in fact, Mr. Wilds' name had been listed
15 as a suspect on other requests submitted to your unit;
16 was he not?

17 A I don't have those in front of me.

18 Q You are aware of that though; are you not?

19 A Not to my recollection.

20 Q Mr. Wilds was never alleged to you by any
21 source of information to be a victim of this crime; was
22 he?

23 A Correct.

24 Q And, sir, the filling in of his name under the
25 space provided for a suspect name is in your handwriting;

1 is it not?

2 A Yes, it is.

3 Q All right. And, sir, you didn't collect Jay

4 Wilds' blood; did you?

5 A No, I did not.

6 Q And you don't know under what circumstances it

7 was collected; do you?

8 A Not personally.

9 Q And you don't know personally why he had been

10 at that time considered to be a suspect in this crime; do

11 you?

12 A That is correct.

13 Q And, sir, no one else's blood was submitted to

14 you to think about submitting for comparison; was it?

15 A No.

16 Q Were you ever given a vial of blood related to

17 another person who had been considered a suspect?

18 A No.

19 Q Were you ever given a vial of blood that

20 belonged to the person who allegedly found this body,

21 Alonzo Sellers, on February the 9th, 1999?

22 A Not to my personal knowledge.

23 Q And were you ever asked, since the time that

24 you determined that these vials of blood -- Hae Min

25 Lee's, Adnan Syed's and Jay Wilds' blood -- should go out

1 to the Maryland State Police Biology Lab, were you ever
2 asked by anyone to add a vial of blood belonging to
3 anybody else?

4 A Could I correct the answer? I don't have vials
5 of blood. We have blood on cards. They come already
6 dry. So the blood is not in vials.

7 Q Okay.

8 A But I received no further blood.

9 Q Were you ever instructed or given a card of
10 blood or any blood in any form to add to your request for
11 DNA comparison?

12 A No.

13 Q By anyone?

14 A No.

15 Q By any detective?

16 A No.

17 Q By the lead detective on this case, Detective
18 MacGilvary?

19 A I said, no, by nobody.

20 Q By Mr. Urick?

21 A No.

22 MR. URICK: Objection.

23 THE COURT: Sustained.

24 BY MS. GUTIERREZ:

25 Q By Ms. Murphy?

1 THE COURT: Sustained. By anyone, is no one.
2 Your next question.
3 BY MS. GUTIERREZ:
4 Q Now, sir, in regard to the hair comparison, as
5 far as you went, since the time that you did them -- and,
6 sir, if you could look at and tell me, your report
7 regarding the hair is dated 12/2, correct?
8 A That is correct.
9 Q Is that the day you did the analysis?
10 A That's the day I finished the analysis of the
11 hairs.
12 Q All right. And so I assume you started it
13 before that day?
14 A Yes.
15 Q How long does it take to compare hairs that you
16 have deemed to be suitable for comparison with another
17 known sample?
18 A It could take a very long time.
19 Q Okay. From the time that you completed that
20 analysis, and I assume when you describe the analysis,
21 it's analysis by you that doesn't involve destroying the
22 hair?
23 A That is correct.
24 Q Okay. So the hair that you subjected to the
25 analysis on which you wrote the report on December the

1 2nd still exists, correct?

2 A Correct.

3 Q And it still existed on December the 2nd?

4 A Yes.

5 Q And subsequent to that time, sir, were you ever

6 submitted by Mr. Urick, for instance, any request to

7 compare the hair of anyone else?

8 A No.

9 Q And were you ever submitted any hair to

10 actually compare it to whether or not you knew whose hair

11 it was, by anyone?

12 MR. URICK: Objection.

13 THE COURT: Sustained.

14 BY MS. GUTIERREZ:

15 Q Were you ever asked by any member of the Police

16 Department, specifically including Detective MacGilvary,

17 the lead detective on this case, to compare any other

18 hair to the hair that you had compared and determined did

19 not belong to Adnan Syed?

20 MR. URICK: Objection.

21 THE COURT: Sustained. Counsel, we had covered

22 this area before the break. So I would ask that you move

23 on.

24 BY MS. GUTIERREZ:

25 Q I have one further question in regard to what

1 I'm going to call your first report, which is State's
2 Exhibit 27. As to that date, that is August the 31st; is
3 that correct?

4 A That is correct.

5 Q Is that the date of your report or the date of
6 the completion of your analysis?

7 A That is both.

8 Q And, sir, what date is it that you started the
9 analysis the report reflects you completed on August the
10 31st?

11 A March.

12 Q March. March, when?

13 A 10th, 1999.

14 Q March 19th, 1999?

15 A No, I said March 10th, 1999.

16 Q Of 1999. And is that date reflected on this
17 report?

18 A No.

19 Q And is there anything on this report that
20 reflects when you did any specific piece of analysis,
21 either visually or with the assistance of anything else?

22 A No.

23 Q No. And, sir, in order to complete this
24 report, was the evidence merely submitted to you or did
25 you request any specific submission of any specific type

1 of evidence?

2 A No.

3 Q No. It was just submitted to you, correct?

4 A Correct.

5 Q And in between your first report which is dated

6 August 31st and the second report which is used to

7 correct an omission, as you called it, i.e. the omission

8 that there were fibers foreign to the body found near the

9 body, did you request any other piece of evidence?

10 A No.

11 Q And was any other evidence submitted to you?

12 A Yes.

13 Q All right. And what piece of evidence was

14 that?

15 A In the possession of Daniel VanGelder were a

16 pair of gloves and a shirt, and I compared the fibers to

17 those items and determined that those fibers that I found

18 on the clothing way back in March did not come from those

19 items.

20 Q And the gloves that you were submitted, do they

21 correspond to what he lists as item G-1 on his report

22 which is dated June 1st, 1999?

23 A Uh-huh, yes.

24 Q You are shaking your head yes?

25 A Yes.

1 Q And that item on his report is listed as a
2 weightlifting glove; is it not?

3 A That is correct.

4 Q A single glove, correct?

5 A Yeah.

6 Q Is that a yes?

7 A Yes.

8 Q And that's the glove that you compared with
9 something else; is that correct?

10 A That is correct.

11 Q And that glove is listed as having been
12 retrieved from the victim's 1998 Nissan, tag number
13 FSV645; is it not?

14 A That is correct.

15 Q And the other item that you did something with
16 was?

17 A There is a striped, a multi-colored tee-shirt,
18 and on his report it is listed as T-1.

19 Q All right. And that tee-shirt, it has the
20 words "Tropical Tests" on it; does it not?

21 A That's correct.

22 Q And that tee-shirt is listed as having come
23 from property number 99008993; is it not?

24 A Yes.

25 Q And you are aware that that property number is

1 associated with evidence retrieved, again, from the
2 victim's 1998 Nissan; are you not?

3 A I have to check on the reports.

4 (Brief pause.)

5 I don't know where that shirt came from.

6 Q But that shirt is the shirt listed on Mr.
7 VanGelder's June 1, 1999 report listed as T-1, correct?

8 A That is correct.

9 Q And that's a different shirt than the shirt
10 with the horizontal different stripes that you got up and
11 demonstrated to the jury where you sought to find
12 suspected blood, correct?

13 A That is a different tee-shirt and it has a
14 different property number.

15 Q Okay. And you are sure of that, correct?

16 A Yes, I am.

17 Q And you just know that it was a tee-shirt
18 described as multi-colored under the property number
19 listed by Mr. VanGelder; is that correct?

20 A That is correct, and listed on the report that
21 I wrote which is State's Exhibit 27(a), the second page,
22 and the multi-colored tee-shirt is of the same property
23 number, 99008993.

24 Q And, again, that's your report of December the
25 2nd?

1 A That's correct.

2 Q A month ago, or two months ago just about.

3 Tomorrow it will be two months, right?

4 A I guess, yes.

5 Q And that CC number, again, on your report of

6 December the 2nd is different, that tee-shirt is

7 different than the tee-shirt you walked over and showed

8 the jury, correct?

9 A That is correct.

10 Q All right. And on your report that you

11 indicate on the second report you did an additional fiber

12 analysis in regard to those items, correct?

13 A That is correct.

14 Q And in your analysis, they were compared, the

15 sixteen to eighteen item numbers which were the victim's

16 clothing retrieved from her body by the medical examiner

17 before submission to you with those items, that glove,

18 singular, and the tee-shirt were compared with negative

19 results, correct?

20 A That is correct.

21 Q And by whom were you asked to do that

22 particular comparison?

23 A I did that because it was my oversight. I had

24 placed the fibers that I had collected off the clothing

25 from the body when --

1 Q Which were from items sixteen to eighteen?

2 A Yes. When I collected them way back in March,
3 I was also collecting hairs, and the clothing was soiled
4 and soil covered. I was picking hairs and fibers off the
5 body, shaking some of the dirt off the hairs to verify if
6 they were hairs or fibers. I inadvertently got some
7 fibers mixed in with my hairs, and when I wrote the
8 report, because somebody said, hey, hurry up and get this
9 report done, we are going to trial soon, I had all my
10 hairs separated which I needed some extra time to do,
11 separated. I didn't have any fibers other than the red
12 fibers that I found in the body bag that I gave to Mr.
13 VanGelder.

14 When I looked, I thought, oh, I have all my
15 hairs to do, and in there I had fibers. That's why I
16 needed to correct my initial report. I had hairs and I
17 had some fibers mixed in with my hairs. When I cleaned
18 them up to do my comparison, I realized, oh, darn, I
19 wrote down I didn't get any fibers but I have fibers. So
20 I wrote a report. I could have tossed them away but
21 that's not the right thing to do. So I wrote a
22 correction and said, look, I have to correct the initial
23 report, I found some fibers. At this time, Mr. VanGelder
24 had already done his comparison. I'm just as capable as
25 he is to do fiber comparisons. So I did the fiber

1 comparisons on the same pieces of evidence that he had
2 looked at. When I looked at them, I determined that
3 these fibers did not match. I wrote a report reflecting
4 that. At a later time, I did the hairs.

5 Q At a time later than December the 2nd, 1999,
6 correct?

7 A What do you mean?

8 Q Well, your report about what you are trying to
9 explain, why it came about, is dated December the 2nd,
10 1999; isn't that correct?

11 A That's when I was finished, the hairs and the
12 fibers.

13 Q And the fibers. So you actually completed them
14 at around the same time, correct?

15 A That is correct.

16 Q And so there were two omissions that you had to
17 correct with later reports, correct?

18 A No, there was one omission that was the
19 presence of fibers, which I wrote back in November. I
20 said, look, I have fibers --

21 Q You wrote a report in November, sir?

22 MR. URICK: Objection.

23 THE COURT: One moment, please. The question
24 is, did you write a report? Overruled as to that
25 question. Did you write a report in November?

1 THE WITNESS: Yes.
2 BY MS. GUITERREZ:
3 Q And to whom did you write it?
4 A May I? I'm sorry.
5 Q You are looking at, if you would identify the
6 State's exhibit number.
7 A Okay. This is State's Exhibit Number 27(b).
8 Q And that has a date on it of October the 14th;
9 does it not?
10 A Oh, I'm sorry. I mean October, I stand
11 corrected. I have 10 and I miscalculated.
12 THE COURT: Very well.
13 BY MS. GUTIERREZ:
14 Q So there is no other report in November that we
15 don't know about?
16 A No.
17 Q These are the only reports, correct?
18 A That is correct.
19 Q And in regard to your December 2nd report, sir,
20 your December 2nd reports, sir, they are stapled together
21 as State's Exhibit 27(a), and one report is dated
22 12/2/99, correct?
23 A That is correct.
24 Q And that's about the hair, correct?
25 A That is correct.

1 Q And that says that there are no hairs that are
2 consistent in your analysis with Adnan Syed, correct?
3 A That is correct.
4 Q And there is a second piece of paper, second
5 heading, dated the same, that deals with fiber
6 comparison, correct?
7 A That is correct.
8 Q And fiber comparison says they are negative
9 results to what you compared it to, correct?
10 A That is correct.
11 Q And what you compared the fibers, you compared
12 the fibers that were recovered from the victim's
13 clothing, correct?
14 A On the victim's clothing.
15 Q On the victim's clothing, correct?
16 A Correct.
17 Q With the black glove, singular, that is
18 identified as a weightlifting glove, correct?
19 A Correct.
20 MR. URICK: Objection.
21 THE COURT: Sustained.
22 BY MS. GUTIERREZ:
23 Q And a separate multi-colored tee-shirt?
24 MR. URICK: Objection.
25 THE COURT: Sustained.

1 BY MS. GUTIERREZ:
2 Q And those are two separate reports, correct?
3 MR. URICK: Objection.
4 THE COURT: Sustained.
5 BY MS. GUTIERREZ:
6 Q Were you ever asked to conduct any other
7 analysis, Mr. Bianca?
8 A No.
9 Q And did you conduct any other analysis?
10 A No.
11 MS. GUTIERREZ: Nothing further.
12 THE COURT: Thank you very much. Any redirect,
13 Mr. Urick?
14 MR. URICK: Yes, thank you, Your Honor.
15 REDIRECT EXAMINATION
16 BY MR. URICK:
17 Q Mr. Bianca, defense counsel kept asking you
18 about follicles on the defendant's hairs when they were
19 plucked, but when you were describing it, you were
20 talking about examining the two hairs for follicles?
21 A That is correct. They are apples and oranges
22 we are talking about. The hairs that have some maybe
23 evidentiary potential are the ones that were with the
24 victim's clothing. They didn't have any follicle in
25 their root. There was at that stage of the game, that

1 present stage of the game, there was nothing further I
2 could do. No further analysis was going to be done with
3 that as DNA or anything else.

4 Q And you would not have needed to look for DNA
5 in the defendant's hair because we already had a blood
6 sample from him, correct?

7 A Correct.

8 Q And that's what is commonly used to get a DNA
9 sample?

10 A That is correct.

11 Q Now, in doing those hair comparisons that she
12 kept asking you about, the forty to fifty where you got
13 down to two, are hairs the same? Are they consistent all
14 over the head?

15 A No.

16 Q When you examined the sample of hairs from the
17 defendant's head, what if anything did you notice about
18 the color of the hairs?

19 A Well, they were sort of unusual. His hair is
20 black and along the perimeter of the hair shaft there was
21 dark pigmentation on both sides, which is sort of
22 unusual. Two hairs that I looked at had that same
23 characteristic but the hair color was different. It was
24 slightly different in intensity of black. Because of
25 that, I couldn't make a comparison and say that it was

1 his hair.

2 Now, with the state of the art of hair
3 comparison, our lab no longer calls a hair comparison
4 that used to say matched in all characteristics. We no
5 longer do that. That gives false information in essence.
6 It gives the people the idea that if you say a person's
7 hair matches, that it came from them, and it doesn't mean
8 that. It has never meant that. All it means is they
9 have the same characteristics, and hair characteristics
10 are not unique. As I said earlier, a thousand other
11 people could have the same characteristics as another
12 person's hair.

13 Q Is it possible that if hairs had been plucked
14 from a different place on the defendant's head, that they
15 might have matched with the two that you found?

16 MS. GUTIERREZ: Objection.

17 THE COURT: Sustained.

18 BY MR. URICK:

19 Q Now, how is a test requested?

20 A We receive a Form 237. That's the number
21 that's on it. It's a Police Department request. On
22 that, it gives information as to the nature of the case,
23 the parties involved in the case, the detective involved
24 in the case, and information to help us retrieve the
25 physical evidence. It will say, please conduct a hair

1 analysis on the following items, and it will give that
2 property number which I pointed out on the back. That
3 way, we know which piece of evidence other than the
4 millions that the Police Department has in its custody
5 that we need to look at. That's one way.

6 Sometimes we get phone calls from defense
7 attorneys and prosecuting attorneys, and from the phone
8 calls we do meetings with them and we talk to them and
9 then we decide what evidence we can do, analyze for them
10 as part of the case. So it's not just restricted to the
11 Police Department. It's not strictly restricted to the
12 State's Attorney's Office. It's not strictly restricted
13 to the defense. We have all those parties that can play
14 a hand in what we do.

15 Q How many analyses and reports do you conduct
16 and write per year?

17 A Five or six hundred. That's reports and
18 analyses, hundreds and hundreds and hundreds.

19 Q Now, when you conduct a fiber analysis, and
20 say, for example, the two fibers that were found above
21 and below the body, when you compare them to other items,
22 you are trying to see if there is a match between that
23 fiber and the item that's being examined, correct?

24 A Correct.

25 Q If the item that those fibers had come from had

1 been thrown away before the police could seize it, you
2 would never be able to make a match; would you?

3 A That is correct.

4 MR. URICK: No further questions.

5 THE COURT: Anything further on recross?

6 RECROSS-EXAMINATION

7 BY MS. GUTIERREZ:

8 Q Mr. Bianca, on the 2nd of December, 1999,
9 almost two months ago, were you performing your
10 comparison according to the state of the art in hair
11 comparisons as you have just testified exists?

12 A Yes.

13 Q And anywhere in the report where you reported
14 the results of your comparisons, do you indicate any
15 similarities between the compared hair and Adnan Syed's
16 hair?

17 A No.

18 Q No. And in your results, you, in fact, use the
19 word that none of the hairs examined were consistent in
20 microscopic physical characteristics with the head hair
21 sample of Adnan Syed, correct?

22 A That is correct.

23 Q Now, you had a sample of two hairs that you
24 believed to be human hairs, correct?

25 A They were human hairs.

1 Q And that those hairs were of sufficient breadth
2 and length to be deemed by you in your expert opinion to
3 be capable of being compared under your analysis; had you
4 not?

5 A Yes.

6 Q That's why you decided to go forward and
7 compare those hairs, correct?

8 A Correct.

9 Q Nobody made you do it; did they?

10 A No.

11 Q Nobody told you to do it, as you have told us,
12 correct?

13 A That is correct.

14 Q You determined that they had sufficient depth,
15 length, breadth, that were you to subject them to the
16 state of the art comparison at which you are expert, that
17 you could, in fact, compare them, correct?

18 MR. URICK: Objection.

19 THE COURT: Sustained.

20 BY MS. GUTIERREZ:

21 Q Sir, the two hairs that you compared the pulled
22 head hair from Mr. Syed, that's capable of further
23 analysis; is it not?

24 A I'm sorry, could you repeat the question?

25 Q The two hairs that you decided were suitable

1 and capable of your comparison, those two hairs are
2 capable of further analysis in regard to identity; are
3 they not?

4 A Further comparison to other hairs.

5 Q In regard to other analysis that might be
6 performed, other than your own comparison, they are
7 capable of being so analyzed; are they not?

8 MR. URICK: Objection.

9 THE COURT: Sustained.

10 MS. GUTIERREZ: Nothing further.

11 THE COURT: You have nothing further; do you?

12 MR. URICK: Nothing, Your Honor.

13 THE COURT: May this witness be excused?

14 MR. URICK: Yes.

15 MS. GUTIERREZ: Yes.

16 THE COURT: And released from summonses?

17 MS. GUTIERREZ: Yes.

18 THE COURT: Mr. Urick?

19 MR. URICK: Yes.

20 THE COURT: Very well. Sir, you are a witness
21 but you have been released from summonses, so you do not
22 have to return, but you cannot discuss your testimony
23 with anyone who may be a witness in this case. In fact,
24 if you would like, you can have a seat in the courtroom
25 because you are released from subpoena at this time, but

1 you are free to go.

2 THE WITNESS: Thank you, Your Honor.

3 THE COURT: You're welcome. At this time, I
4 note that it is just about 5:00 and we are going to
5 recess court for today. Ladies and gentlemen, let me
6 give you the following heads up for the next couple of
7 days. First, tomorrow, although it is what we call a
8 collateral day for me -- that means I don't have a
9 regular docket -- that's the day I put in other things
10 like sentencings and other things to do, and I fill that
11 day up. It's supposed to be my day off sort of, but it's
12 not really because we are going to continue this case.
13 So tomorrow morning, I'm going to do a number of
14 dispositions and other matters, and then I'm going to
15 resume this case. The Jury Commissioner will be looking
16 for you between 12:30 and 1:00 to pay you. So you have
17 the morning off, so to speak, but between 12:30 and 1:00
18 they will be looking for you to pay you. Once you are
19 paid at the Jury Commissioner's Office in Room 239 of the
20 Clarence Mitchell, Junior courthouse, you should come
21 around to our jury room and be there. I expect that we
22 will start this case back again somewhere around 1:30
23 because we will be finishing the docket and we will take
24 lunch between 12:30 and 1:30. So we will resume at about
25 1:30. So I would ask that you make your way to that

1 room, our jury room, no later than 1:30, having been paid
2 between 12:30 and 1:00 and then making your way to our
3 jury room by 1:30.

4 Okay. That's for tomorrow. Tomorrow evening,
5 I expect that we are going to go no later than 4:45,
6 between 4:30 and 4:45, because as I indicated, this
7 courtroom will be used for another matter at 5:00. So we
8 must be done and out by 4:45. That is Wednesday. On
9 Thursday, my docket -- Mr. White, do you have any
10 indication what my Thursday, February 3rd, docket is
11 like?

12 THE CLERK: I'm sorry, no.

13 THE COURT: Deputy Church, can you ask Ms.
14 Connolly to step in, please?

15 DEPUTY CHURCH: Yes, ma'am.

16 MR. URICK: I believe you have three cases set
17 on the morning docket, and one on Friday.

18 THE COURT: All right. That's good. Then if
19 that's the case, I might ask that the jurors please
20 report to the Jury Commissioner's Office between 9:00 and
21 9:30, like a normal day, and that's for Thursday. Then
22 we will end that day between 5:00 and 5:30. That's
23 Thursday. Think of Thursday as our late day. Friday,
24 because I only have one case, we will do a regular day,
25 9:00 to 9:30 you go to the Jury Commissioner's Office,

1 and then be here somewhere around 9:30, and we should
2 start around 9:45 or 10:00, and we will end on Friday at
3 about 5:00. So that gives you a sense of what the week
4 looks like. I give you this heads up so that you can
5 make whatever arrangements you may need to make in your
6 personal life and so that you can get a sense of what the
7 week expects to look like.

8 And, counsel, you can get your witnesses set up
9 and sort of judge what things may go on or how you may be
10 able to best move the case along.

11 At this time, ladies and gentlemen, you are
12 going to recess for the day. I might remind you, once
13 again, not to discuss this case with anyone and not to
14 discuss it amongst yourselves or with your friends and
15 relatives because I am sure they will want to know all
16 about it, but I'm going to ask that you not discuss it
17 with them. I would ask that you leave your note pads
18 face down on your seats as you have done each and every
19 day. We will collect those and not read them.

20 Do you want to pass that up to me?

21 (Brief pause.)

22 THE COURT: Yes, this is a restatement of what
23 I just said, and it is correct. Wednesday between --
24 well, actually it is wrong. Between 12:30 and 1:00,
25 between 12:30 and 1:00, the Jury Commissioner is looking

1 for you. We will start our case at 1:30 on tomorrow and
2 end about 4:45. On Thursday, we will start at somewhere
3 around 9:30 or 10:00. I will do my three cases hopefully
4 and we will start at 10:00 probably. But you will have
5 to be paid between 9:00 and 9:30 on Thursday, and we will
6 end the day at 5:30. On Friday, again, between 9:00 and
7 9:30, you should go to the Jury Commissioner's Office to
8 be paid, and we should start about 9:45 or 10:00 on
9 Friday and we will end our day at 5:00.

10 If you would like, I can have my clerk write
11 this up for you, if that will be helpful to you. I'm
12 going to give this back to you at this time to pass that
13 note back to the juror. I will ask that you, as I said,
14 go home, and have a safe trip home. If for some reason
15 it snows or the weather gets nasty, I will ask you again
16 to listen to WBAL, Channel 11, and they generally will
17 make the announcement. But when in doubt, you can call
18 the city operator and they will connect you to my office.
19 I have an answering machine and I will leave a message on
20 that machine that says, yes, we are on time or, no, we
21 are closed, or in any other way direct you if the weather
22 is inclement.

23 Okay. I ask that you now go with Ms. Connolly.
24 She is going to walk you around to your jury room. I'll
25 see you tomorrow. Have a good evening.

1 (The jury was excused from the courtroom.)
2 THE COURT: Okay. This court will stand in
3 recess then until tomorrow at 9:30.
4 THE CLERK: All rise. This court now stands in
5 recess until 9:30 tomorrow morning.
6 (Whereupon, at 5:10 p.m., the trial was
7 recessed.)
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REPORTER'S CERTIFICATE

I, Brenda D. Trowbridge, an Official Court Reporter of the Circuit Court for Baltimore City, do hereby certify that I stenographically recorded the proceedings in the matter of State of Maryland vs. Adnan Masud Syed, in the Circuit Court for Baltimore City, Indictment Nos. 199103042-46, on February 4, 2000, before the Honorable Wanda Keyes Heard, Judge (and a jury).

I further certify that the page numbers one through 199 constitute the official transcript of the proceedings as transcribed under my supervision from my stenographic notes to the within typewritten matter in a complete and accurate manner.

In Witness Whereof, I have affixed my signature this 11th day of December, 2000.

Brenda D. Trowbridge

Brenda D. Trowbridge

Official Court Reporter

